Manitoba Constitutional Task Force

February 2, 1991
Winnipeg, Manitoba

No. 3

Chairman: Professor Wally Fox-Decent

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MANITOBA CONSTITUTIONAL TASK FORCE

Saturday, February 2, 1991

TIME — 1:30 p.m.

LOCATION — Winnipeg, Manitoba

CHAIRMAN — Professor Wally Fox-Decent

Members of the Task Force present:

Mr. James Carr (Member for Crescentwood)

Ms. Jean Friesen (Member for Wolseley)

Hon. James McCrae (Member for Brandon West)

Hon. Darren Praznik (Member for Lac du Bonnet)

Mrs. Shirley Render (Member for St. Vital)

* Substituting for Mr. Oscar Lathlin (Member for The Pas), Mr. Dave Chomiak (Member for Kildonan)

* Substituting for Hon. Darren Praznik (Member for Lac du Bonnet) until 7 p.m., Mrs. Linda McIntosh (Member for Assiniboia)

* Substituting for Mr. James Carr (Member for Crescentwood) at 7 p.m., Mr. Paul Edwards (Member for St. James)

Support Staff for the Manitoba Constitutional Task Force:

Professor S. Gallagher, Research Director

Kathleen Mico, Research Officer

Terry Simmonds, Research Officer

Vic Toews, Legal Counsel

Witnesses:

Sidney Green, Manitoba Progressive Party

Surjit Dhinsa, Private Citizen

Randi Easter, Indigenous Women's Collective of Manitoba

Robert Smellie, Chairman, Manitoba Division, Canadian Committee for a Triple-E Senate

Manley Steinman, Private Citizen

Cyril Keeper, Private Citizen

Kenneth Emberley, Private Citizen

Len Sawatsky, Private Citizen

Dave Kirkcaldy, Private Citizen

T. B. Thorvaldson, Private Citizen

Roger Armbruster, Private Citizen

Mary Hewitt-Smith, Private Citizen

Al Mackling, Private Citizen

Patricia Meadows, Private Citizen

Vaughan Baird, Private Citizen

B. MacKenzie, Private Citizen

Ralph Paul, Private Citizen

Alen Nordal, Private Citizen

Kirk Stanley, Private Citizen

Matters Under Consideration:

Public Presentations—Manitoba Constitutional Task Force

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Mr. Chairman: Good afternoon, ladies and gentlemen. Welcome to our first public hearing of the Manitoba Constitutional Task Force in Winnipeg. Earlier this week we had been in Dauphin and Brandon sharing some very interesting presentations in those two locations on the subject of Canada's future and Manitoba's place in that future. Really, ladies and gentlemen, the subject area of our inquiry is nothing less than the question of future of country and future of province.

* (1335)

It may well be that in other circumstances we would like to give the constitutional discussions a rest. There is probably among Canadians a sense of weariness, as we have spent so much time on this subject in the course of the last few months, but circumstances will not allow us that luxury.

As you know, Quebec is presenting to the rest of the country a position of very considerable change from present status. Whether that leads to a Quebec that is accommodated within Canada or a Quebec that may seek some alternate situation obviously remains to discussions that will take place in the future.

It is, however, necessary for all the provinces in Canada to be ready and informed toward those discussions. It is for that purpose that Premier Filmon

announced the creation of this task force last December, and it is to that end that we have begun our public hearings. We are delighted you chose to join us on this warm Saturday afternoon. You are most welcome, and we look forward very much to the presentations we will hear this afternoon and this evening.

Before I introduce my colleagues, may I just make you familiar with some of the services and the rules that apply to our hearing process. American Sign Language interpretation will be provided. There is a wireless system with individual receivers for those who need assistance with hearing. We are providing simultaneous French/English translation, and child care services are available at all times. If you have friends who would like to come and join us and need child care, we would be delighted to provide that.

The presentations take a very simple form. We would ask you when your name is called if you would be kind enough to come up to the presenter's table and take your place. If you have a written presentation to accompany your oral, we would be very pleased to receive that, and we will see that all the task force Members have a copy so that they can follow it as you make your oral presentation. A written presentation is not necessary, and please do not feel you are in any way disadvantaged if you choose just to come forward and state your views in oral form.

All of the hearing process is being recorded, and there will be day-by-day transcripts verbatim of the proceedings. We will be providing a copy of the proceedings to all those who have come forward as presenters. If you are interested in receiving a copy of proceedings and are not presenting, if you would be kind enough to speak to one of the staff, we will certainly see that you are accommodated.

I am now very pleased to introduce the Members of the task force who are with me today. The rule of the task force is that we have a group of seven who are officially the task force Members. However, from time to time, it is not possible for one or more of the task force Members to be present, and other Members of the Legislature will be filling in for them. We have a couple of Members of the Legislature here today who are standing in for their colleagues.

On my far left is Ms. Jean Friesen, the New Democratic Member of the Legislature for Wolseley. Next to her is Mrs. Linda McIntosh, the Conservative Member of the Legislature for Assiniboia. On my immediate left, Mr. Jim Carr, the Deputy Leader of the Liberal Party and Member of the Legislature for Crescentwood. On my far right, Mr. David Chomiak, the New Democratic Member of the Legislature for Kildonan. Next to him, the Honourable Jim McCrae, the Conservative Member of the Legislature for Brandon West and Minister of Justice. On my immediate right is Mrs. Shirley Render, the Conservative Member of the Legislature for St. Vital. My name is Wally Fox-Decent.

* (1340)

Mesdames et messieurs, c'est un grand plaisir d'être ici cet après-midi. C'est notre première réunion dans la ville de Winnipeg. Bienvenue à tous.

(Translation)

Ladies and gentlemen, it is a great pleasure to be here this afternoon. This is our first meeting in the city of Winnipeg. Welcome.

(English)

I will now call on our first presenter of this afternoon. Mr. Sidney Green, the Leader of the Progressive Party in Manitoba.

Mr. Sidney Green (Progressive Party of Manitoba): Mr. Chairman and Members of the committee, I do not think you will object to my standing, if I may.

Mr. Chairman: As you wish, sir.

Mr. Green: I am sure you will want me to be as comfortable as I can, and I am more comfortable when I am standing. I am a little bit surprised that I was to be called first to be speaking to you this afternoon, because I understood that there were groups that were ahead of me, and I had prepared on that basis. Nevertheless, I can deal with it, because many of the presentations that you have had—

Mr. Chairman: We will just get the sound a little more effective, Mr. Green.

Mr. Green: Thank you. The newspapers have indicated that you have had quite a bit of presentations dealing in particular with the rights of people in the province of Manitoba and, in particular, the aboriginal people. That coincidentally, Mr. Chairman, coincides with a story in all of Canada's newspapers today. I am reading from a copy of The Globe and Mail, which I pilfered from in front of the Conservative Caucus room because I had left my Free Press at home, which announces the great news that Mr. de Klerk, the Prime Minister of South Africa, has decided that he would repeal all laws that deal with people on the basis of racial grounds and classify

anyone and everyone on the basis of racial lines. Mr. de Klerk went further by announcing that he planned to drop the 1950 Population Registration Act, the law that assigns South African citizens to one of four racial groups.

Mr. Chairman and Members of the committee—

Mr. Chairman: Mr. Green, I am sorry, sir. We are still having a little trouble hearing you, so I wonder if I could ask if—

Mr. Green: Would it be better if I sat down, do you think?

Mr. Chairman: We will sort this out, we will just see if we can do a bit better here. I wonder if I could ask one of the sound technicians if he would be kind enough to move the microphone a bit, perhaps closer to Mr. Green? I suspect the audience may also be having some difficulty in hearing him, and they are nodding that they are, so we must get this sorted out.

Mr. Green: I think, Mr. Chairman, this is one of the first times that I have ever had to speak where people said they had difficulty hearing me. They have had all kinds of other complaints, but not of hearing.

Mr. Chairman: Is that better now, in the audience? They say they can hear you now.

Mr. Green: I will speak louder, and I may turn around and speak to the audience who I may really be speaking to in any event, Mr. Chairman and gentlemen.

* (1345)

I will acknowledge that one of the most difficult features facing Canadian society generally is that which affects the aboriginal people in our society. One will recall 200 and 300 years ago, if one reads history, that the European came to Canada, and in Canada there were various groups who had no geographical bounds, who had no governmental powers as we understand them. The Europeans who came, and I say through perhaps misplaced humanitarianism, said that these people will not become part of us. They will be put on geographical areas which we will call reservations. We will give them the right to self-government. They will not be part of our society. They will govern themselves. We will have treaties which will guarantee them certain hunting and fishing and other fundamental things that they have a requirement to as they exist now, and we will pretend that 300 years from now they will not be part of our civilization and that they will live as they are living now.

Three hundred years later we find that the people concerned by virtue of the special status that they were given—let us recall that the only ethnic group subject to correction that is mentioned in the BNA Act, we mentioned the French language and the English language, but we mention the Indians, and they are the only ethnic group I believe that is mentioned as an ethnic group in the Constitution.

Having received this status in our Constitution, which carried over from the time that the European first came here—in 1867 they were given the special status to be governed by the federal Government in accordance with the BNA Act, and today we find that in every economic and social index by which we measure well-being our Indian fellow citizens occupy the bottom of the ladder.

I submit that the Indian citizen has the same blood flowing through his veins as you and I, has the same aptitudes, has the same capabilities, has the same power and capacity as an individual to become every bit as accomplished, by the definition of what we use as accomplishment, as you and I, but for some reason that citizen has been inhibited. It is not as if, as some white sociologists would say, that is the way he wants to be, he wants to fish and trap and be left alone.

That is not my experience with my contact with the reserves which I am sure has been as consistent and as heavy as some of the people who say that is what they want. The Indian citizen wants well-being, he wants a television set, he wants a refrigerator, he wants utility-supplied heat in a nice warm house, and if truth be known he would like his children to have the opportunity of becoming doctors, lawyers, truck drivers and every other occupation that flows in the mainstream in our society.

* (1350)

Yet today what we hear in the constitutional hearings thus far is that the Indians, our aboriginal citizens, want sovereignty, self-government, and some people are prepared to give it to him even though they do not know what it means, sight unseen, blank cheque. I say they will repeat what was done 300 years ago with the same result.

Now it is the position, Mr. Chairman and Members of this committee, of the party that I represent that Canada is not composed of majority citizens and minority citizens. I am of Jewish background, of which I am very proud. I do not consider myself a visible minority, I do not consider myself an invisible minority, I consider myself an equal Manitoban and Canadian

citizen to every other person in this room, and I do not recognize a majority culture. I say that is true of every citizen of this country and should be true of every citizen of this country and every attempt, and there are numerous, constitutionally to treat different citizens of this country as part of groups is not only wrong, but is impossible to effectuate.

I refer you to what is euphemistically known as the affirmative action program, which is racism parading in disguise. The affirmative action programs say explicitly, Mr. Chairman, that people should receive employment in relation to their proportional—they are underrepresented in accordance with their proportional figures of the population generally. Now that sounds very well and good if you deal with people as groups.

I told you that I am of the Jewish background. We represent 1.5 percent of the population in this province. We have probably 25 percent of the medical people. We may have 25 to 30 percent of the lawyers, and if one logically takes this affirmative action to its conclusion, we will have what we got rid of 40 and 45 years ago when there were quotas in the medical schools saying how many Ukrainian people can attend and how many Jewish people can attend, and we fought like the devil to undo it. I now hear that people want to entrench these types of things into the Constitution.

Mr. Chairman, and Members of the committee, my Party and myself as a person—and my Party is no different than any other Party. There is no constitutional general point of view that is accepted by everybody, but one thing that I know is accepted is that we are the only Party that says that every citizen of this country is an equal citizen, that he has equal rights as a citizen, and his rights as a citizen do not depend on which group he comes from and what that group stands for, either ethnically or in any other way.

If you do otherwise, Mr. Chairman, you have to make ethnic laws, and those are very complicated. In Germany they made them, because you have to find out if someone is in a target population. I have just come back from the United States where a person was fined for saying that he is a Hispanic citizen to get a job. He was not a Hispanic citizen, but jobs were being awarded on the basis of some racist program to people of Hispanic origin, and he wanted a job. Can anybody blame him? So he said he was Hispanic and had to be fined for getting the job.

Well, maybe one illegally could have a defence to that. You know, they had arguments in 1933 and 1935 when one of the most up-to-then civilized nations in the world decided that they would have racial laws, and you had to know when a person fell within the race and it was four grandparents removed. Now I happen to be a father of a son who has married a Chinese girl, and I have three grandchildren. Which target group are they in, or should there be a target group?

Every single group that has come to this country from Europe—and there were people of various different backgrounds coming to this country literally illiterate. My own parents—they were not illiterate, but they were illiterate in the English language. They could neither read, nor write, nor understand it. They made their way in this life and most—and what I say is not true of my group, it is true of all the Europeans who came, that generally a significant proportion of them have found themselves in the mainstream of Manitoba and Canadian society. The groups that were here before never travelled from anywhere, had the language, have found that they could not be, and why is that? Because, Mr. Chairman, we have singled them out constitutionally and said that they are a separate group. They will be treated separately and the treatment has come accordingly, and the results are there for everyone to see.

* (1355)

I meant to deal with that first, because I note that is what you are dealing with constitutionally, and it seems to have come as a result of what happened vis-a-vis Meech Lake, as if it had something particular to do with the aboriginal group in our society, because Mr. Harper happens to be a person of aboriginal origin who in my view does not represent Indian people. He represents the people in Rupertsland constituency, who are all kinds of people.

That appears to be what you are considering, and I tell you that in 1970 a White Paper was introduced by the federal Government under the auspices of the Honourable Jean Chretien, who is now Leader of the Liberal Party, which said that Canada should proceed on the basis, and I am paraphrasing, that all aboriginal citizens are citizens of Canada subject to the same rights, responsibilities and liabilities. I urge you to get the White Paper and make that a feature of your consideration on constitutional questions.

On the Constitution itself, Mr. Chairman, I am not going to be able to finish what I wanted to say to you,

but it is my view that every constitutional thing that you entrench takes away from our right to flexibility and our right to be governed by the democratic process. The process that we are going through now is not magic, nor is it particularly edifying, except it gives me a chance hopefully not only to get through—no, I do not even expect to get through to you—I expect that maybe something that I said will be heard by some citizens of Manitoba who can then deal with it during the democratic process, when that takes place.

Every constitutional thing that you entrench takes away from the right of the democratic process to change it. Meech Lake was a modest constitutional change, but it was wrong because it was an entrenchment. There is nothing, except the entrenchment, that could not be done by the federal Government to implement what it said in Meech Lake without getting the approval of the provinces and the Parliament. That could have been done administratively, such as Mr. Pearson did when he said there will be special status for the Province of Quebec by letting them have their own Canadian pension plan administered by that province rather than by the Canada Pension Plan. If Mr. Mulroney wished to have Quebec recognized distinctively, there is nothing that he could not do administratively within the federal Government if he wanted to, but it would be changed if a new Government came in and did not want to do it. That is the difference.

When we talk about constitutional change and the process and your real belief, sincere belief that you are doing a wonderful thing by going to the public and that Meech Lake was a bad process, well, Let us look at the Meech Lake process against the Charter of Rights and Freedoms process. The Charter of Rights and Freedoms had far more significant and profound effects on Canadian democracy and the democratic process and provincial rights to govern than did Meech Lake. There was no requirement that it be approved by the provincial Governments. There were no public hearings which everyone could attend. Indeed I wanted to attend myself, applied to attend.

They only took selected groups, and that is why I have left with you what I said to the Manitoba Legislature, who had a committee dealing with constitutional change, which happens probably to be more significant today than it was when I gave it in 1970. At that time there was no notwithstanding clause.

* (1400)

In any event, the hypocritical, mealy-mouthed Liberals were the first to say that, oh, the trouble with Meech Lake was not what was in it, but the way they did it. They got together in a room. Well, people do get together in rooms. We are in a room right now.

Ten Prime Ministers all said they agreed with what was there, but they would take it back to be passed by their Legislatures, the elected representatives of the people. What an uncouth thing to do, to take it to the elected representatives of the people. They did and by the way it did not go through because they did it that way.

Take the Charter of Rights and Freedoms. It was not passed by the Legislatures. It did not go to the Legislatures. It was not even done in a room. The lovely folklore about how Mr. Chretien and Mr. Romanow got into the kitchen—when nobody else could solve the problem, the two of them got together and presented it the next day, and it all went through.

To the mealy-mouthed, hypocritical Liberals, who are in all political Parties, but the label accepted by the Liberal Party, that was elegant and has become a part of Canadian folklore, whereas the Meech Lake process was some kind of terrible thing that Mr. Mulroney did.

So I say, the process of having your laws dealt with by the elected representatives of the people—I do not happen to agree with them, but I think it is the best process. As Mr. Churchill said, I would not change it for another process.

When I say that the Senate should not have the power to overrule the elected representatives of the Canadian people, I do not change my mind when the Senate then does something which I happen to agree with. The Liberals, who have always said that the Senate should not be able to interfere with the elected representatives of the people, when they tried to stop the GST that was a good thing.

The people who are in the free choice movement, many of whom I have heard say, abolish the Senate, abolish the Senate, yesterday fell in love with the Senate, because the Senate stopped a law relating to abortion.

They now say that they want the Supreme Court. Well, Mr. Chairman, I have been in court and I have been in the Legislature. I say that both have their weaknesses, but if I am to decide how I am to be governed, I wish to be governed by the elected representatives of the people. Constitutional change takes that away from me. It does not give me that.

Anything that I want to do I can do, almost anything. There is separation of powers, but the Constitution is intended to limit the power of Legislative Assemblies and Parliaments. Every constitutional change that I make so limits it. Every constitutional change that I make doing away with a constitutional change increases my freedom.

Now it also increases the freedom of elected representatives of the people to do what I do not want them to do, and I happen to have a lot of areas in my mind in this connection, but is my salvation to undo democracy and put it into the hands of nine judges, and hope that they will do what I want them to do? That is constitutional change.

With respect, Mr. Chairman, constitutional change brings about real judicial corruption, because once you say that is the way it is going to be decided, then the Government in power—what I am saying is if it is new to some of the Members of the committee, and I am not trying to be patronizing, it is not new to the Chairman who is a political scientist and knows that every President of the United States before Roosevelt, that Roosevelt had to try to pack the Supreme Court with his fellows to undo what the previous fellows had done. Nixon wanted to pack the Supreme Court, and Mr. Bush wants to put on the Supreme Court people who will undo the abortion decision that has been made by the Supreme Court. So you do not create a greater system of making laws; you create a more insidious corrupt system.

I am before this committee to say that I want them to undo constitutional change, not to do constitutional change. Meech Lake, in my view, was modest, but I would not have enacted it; but Meech Lake plus what you, Mr. Chairman, and your task force decided was a disaster.

If I had to choose between Meech Lake and what the task force in the province of Manitoba was proposing as an alternative or, indeed, what Mr. Wells was proposing as an alternative—did any of you read what Mr. Wells said in Newfoundland in his Legislature as to what he said should happen? First of all he said, yes, he recognizes Quebec as a distinct society, but he would have a special role in the Senate that when anything came up that had to do with Quebec, it had to get a majority, not only of the Senate votes, but of a majority of the Quebec senators. That was his solution to Meech Lake. Is that better than what it said in the accord, and I am not a friend of the accord.

Mr. Chairman, I appeared before you in Winkler on the accord, and I said to you, you do not need this constitutional change. It inhibits the democratic process. What I have said is recorded in the transcripts of what you have. It is no different than what I am saying today.

I am going to close, because you have indicated I have five minutes. With the seemingly willingness of people who have come before you, and I do not know if they are entirely sincere—I will take two minutes, Mr. Chairman—that Quebec wants to separate, let them go. That is a dangerous attitude that has come about with the Canadian people. Like it or not, Mr. Chairman and Members of the committee, that attitude stems from the same bloc of people who were opposed—you will recall 80 percent of the people were opposed to the racial-oriented laws that were being proposed by the New Democrats, with regard to language in the province of Manitoba; 80 percent of the people opposed them; 80 percent of the people opposed Meech Lake, the same people in the province.

The first time they made this opposition they were referred to by the hypocritical Liberals as bigoted anti-French. One must realize, you do not have to be a mathematical genius to know that the same 80 percent who opposed at that time were the same 80 percent who opposed Meech Lake, but suddenly they changed from being bigoted anti-French to being constitutional geniuses, and that is not what has happened.

What happened was that there was the same feeling on the part of people exploited by Mr. Trudeau in 1968 that we cannot have a separate situation for French-speaking people in this country and English-speaking people; that the French ethnic group is no different than any other ethnic group. It is a move to prevent people treating with people on the basis of their ethnic background that caused that reaction, and it is a good reaction.

I can show you that is so, Mr. Chairman, by the question when Mr. McCrae was involved when they said that we want a Francophone judge.

Qu'est-ce qu'un juge francophone? Moi, je parle français comme une deuxième langue. Je parle anglais comme une deuxième langue. Les gens de la Société franco-manitobaine m'appelent un anglophone. Pourquoi? Je parle français. Oui.

(Translation)

What is a Francophone judge? I speak French as a second language. I speak English as a second language. La Société franco-manitobaine calls me an Anglophone. Why? I speak French. Yes.

(English)

Is a judge who speaks French a Francophone judge? No. It must be a judge of French origin. That is what is opposed, and quite properly opposed. Most of the judges of our Court of Appeal speak French, if not most, many, but they do not count. So why are my children going to French Immersion? Why did I take the trouble of becoming relatively fluent in the second language of this country if it does not qualify me as a French-speaking person? Will my children be unqualified because they are not of French descent—

Mr. Chairman: I am going to have to stop you there, sir.

Mr. Green: Thank you, Mr. Chairman.

Mr. Chairman: Thank you very much. Are there questions from the panel? Mrs. Render. Why do you not—would you like to sit down and just relax to take the questions?

Mrs. Shirley Render (Member for St. Vital): Mr. Green—I do not think this mike is on now, is it?

Mr. Chairman: Yes, it is.

Mrs. Render: Okay. Mr. Green, you argue very eloquently that all Canadians are equal and should be considered as equal. With the concern of many for aboriginal rights, I am not too sure that the aboriginal people would take your statement as being satisfactory. I am wondering if you can help the task force in presenting your statement in such a way that they would accept that, keeping in mind that we only have 10 minutes for other Members to also ask questions, so—

Mr. Green: I am sure that those representatives of the Indian organizations who will appear before you will not find my statements satisfactory. If you will let me fund, by the same amount of money, public money, a group of Indian people to take a different position and call themselves organizations, they will come before you and say other things.

I have told you one thing. You analyze the rationale of what I have said. The Indian citizen of our society does not want to live in a separate geographical area, negotiate nation to nation with the provincial Governments and the federal Government. The Indian establishment represented by the organizations do wish to do that. There is always a difference between the people and the institutionalization of a group, and that is what you are getting. You give me the same public money to fund a group to say the opposite, they will say the opposite.

Mr. James Carr (Crescentwood): Mr. Green, you like to make sure that powers are entrusted with elected representatives where the people can get at them. It also follows from that, and you will know from your own experience as a legislator that politicians try as best they can with varying degrees of success to follow the popular will. Not always, but generally speaking it is in the politician's interest to do that.

* (1410)

We now have in front of us a report from the Liberal Party of Quebec that establishes at least in part through an expression of popular will in that province a model for a very different Canada, a decentralized Canada, a Canada perhaps that involves Quebec being treated differently than other provinces. What we are hearing so far at these task forces and what we are likely to hear as time moves on is that is not the vision that most Manitobans hold. Can you give us some advice? I mean this sincerely.

Mr. Green: I cannot give you advice, but I will comment on your question.

Mr. Carr: But I have not asked a question.

Mr. Green: I do not accept—well, you said can you give me some advice. I would say that you should reject out of hand what the provincial Liberals are proposing, and if I were Mr. Mulroney I would implement almost everything under Meech Lake by the federal Government just doing those things. There is no problem in saying, I will not appoint a senator except from three choices that you give me. No problem him saying I will not appoint a judge except from three choices that you will give me. No problem him treating Quebec distinctly just as Mr. Pearson did and Mr. Trudeau did.

Mr. Trudeau had a very subtle way of doing it. He said everybody is going to be treated equally, but I am going to have a Department of Regional Economic Expansion where I can make different agreements with every province and pour money into those provinces into areas of provincial jurisdiction, but I can do it differently for every province, and he did it differently with regard to the Province of Quebec.

So when you are asking—you have said something which by the way I cannot concur with when you ask me to accept the fact that when I was a politician I tried to implement the public will. When I was a

politician I had certain convictions as to what I hoped the public will wanted, but I was not going to change if they did not want it. In other words, I did not believe in capital punishment, and I was not going to change because they wanted it, nor was I going to change because they happened to be in my room. I used to have people come into my office and say, we are the people, you have to listen to us. I said, I will listen, but I reserve—I am the only elected representative in this room. Are you saying you are the only ones who have power and I do not, that the only person who has no power is the elected representative?

Ms. Friesen, who happens to be my Member, will she listen to everything I say? She may listen, but I will guarantee you she will not do what I say, because she has ideas of her own which brought her to power as an MLA, and I respect that, and if she cannot implement those ideas, then I guess what will happen to her is what happened to many of us in the past. She will not be able to continue. If she does not want power—I have never said I do not want power; when I went into politics, it was in search of power. If she does not want power, she can conduct an opinion poll every week and find out what she should be saying in the Legislature.

I never wanted to be a Member of the Legislature on that basis. I wanted power. When we enacted Manitoba public automobile insurance, we had over 300 briefs, and they were all against us. If I did what I hear some people say now, that you are supposed to find out what the public wants and then you do it, then we would never have had public automobile insurance.

I do not believe that the public expresses its will in an auditorium. I believe they express their will at the ballot box. This process, the idea that you are going to get the public will on Meech Lake by saying anybody who wants to talk can come—we have 6,000 people. Anybody who was against it would come. Anybody who was for it, if they came it was a problem for them because they would be stretching out the process beyond the date.

That is not the way you determine the public will in a democracy. That is anarchy.

Mr. Dave Chomiak (Member for Kildonan): Mr. Green, I would just like to ask you if your comments about affirmative action in reverse as it applies to ethnic groups, would you apply it as well to gender?

Mr. Green: Indeed, I do. I would say that Margaret Thatcher would be the most insulted person in the world, and Ms. Friesen should be too, if someone were to suggest that she got to where she is because people had to step aside to make way for a lady. I certainly do. I do not believe that there should be any distinction in Government policy vis-a-vis people on the basis of their sex, racial origin or any other of the distinguishing features that you have divided us into—visible minorities, invisible minorities, sexual orientation.

Imagine dividing people on the basis of how they get their sexual satisfaction, for the Legislature to do that. I consider it reprehensible.

Mr. Chomiak: Mr. Green, not quite a follow-up, but what would be your ideal vision of a Constitution, no Constitution at all?

Mr. Green: If I could do it. You cannot do it in a federal country. When you say no Constitution at all, your Chairman will tell you that England has no written Constitution. There is no law that Parliament cannot pass. Parliament could probably—maybe I am going a little far—do away with the monarchy. No judge could stop them.

A Constitution is a written or entrenched Constitution which means that it acts as an inhibition of what the elected representatives can do. It is for people who distrust elected representatives. That is probably why it has gotten popular now, because people maybe distrust elected representatives. Maybe that says something about the existing elected representatives.

In any event, it is for people who distrust the elected process. I would systematically undo every constitutional entrenchment except those that deal with the division of powers between the federal Government and the provincial Government. Before the Charter of Rights and Freedoms under repatriation, it probably did not matter very much because the federal Government had, in my view—there might be an argument with the Chairman on this; certainly Mr. Trudeau agrees with me—they could go at any time and ask Westminster to change those powers.

We were essentially a Government that was governed at the—whatever the federal Government wanted, but the federal Government considered it politically wise to maintain a separation of powers between the provinces and the federal Government.

Mr. Chairman: Are there questions? Mr. Green, one area, sir, where you cannot make a deal with the individual provinces, as you well know, is to change

a formal institutional arrangement such as the Senate.

The Allaire Committee on Monday recommended the abolition of the Senate and, of course, that would require under present rules seven of the provinces and 50 percent of the population. I am not really interested in the mechanics; I am interested in your view on the Senate.

Mr. Green: I have always believed that there should not be a group of appointed people who have the right to thwart the vote of the elected representatives of the people. Having gotten older and less certain of my views, there may be some room for dealing with people who have been in politics a long time.

I saw Duff Roblin in Florida and I said to him, what the Senate did with the GST, regardless of how you feel about it, is reprehensible. He said, it was terrible, you should have been there. I said, I do not recall refusing any appointment.

Mr. Chairman: You have dodged my question, though. Are you an abolitionist or do you want to see the Senate reformed?

Mr. Green: No, I do not want to see the Senate continue. I think that what happened with the GST and I am not—you know, it is easy for a politician to be against a tax, but no Government is going to undo it.

* (1420)

I do not agree that there should be a body that overrules Parliament. However, you say, would I abolish it? The federal Government has to fund the Senate. You know, Mr. Douglas, when debating Mr. Lincoln on the slavery question, said, nothing can exist without a friendly, domestic Government, and the Senate, without constitutional abolition, could become very ineffective by virtue of the power of the federal Government to deal with it, but I would abolish it.

Mr. Chairman: We will take that as your bottom line, sir.

Mr. Green: I am only 62, gentlemen.

Mr. Chairman: Thank you very much, Mr. Green.

Mr. Green: Thank you.

Mr. Chairman Our next presenter, Surjit Dhinsa. Good afternoon.

Ms. Surjit Dhinsa (Private Citizen): Good afternoon. Mr. Chairman, Members of the task force, ladies and gentlemen. Thank you for providing me the opportunity to present to you my views of what I believe Canada to be.

I am not here on behalf or for promoting solely multicultural rights. I am not here on behalf or for promoting solely aboriginal rights. I am not here on behalf or for promoting solely women's rights. I am not here on behalf or for promoting solely Francophone rights. I am here to promote basic human rights. I am here to promote Canada. This, from the perspective of a national ideology, implies a truly egalitarian Canadian mosaic whereby both the individual human rights of all citizens and the collective cultural rights of all ethnic communities should be equally recognized, respected and protected.

Perhaps this national ideology of unity through diversity sounds idealistic to you. Ladies and gentlemen, please allow me to interrupt your thoughts to point out that world history reveals clearly oppressed groups within various national structures are asserting themselves, and in some cases, asserting themselves in violent forms to achieve basic rights and a larger measure of self-determination.

For some, the sociopolitical judicial process was not or is not a system that they felt would allow for them to formulate any kind of substantial change. Ultimately, they have resorted to war and violence. Comparatively, Canada is a young country. How we choose to deal with the oppressed groups now is going to determine what Canada is going to be in the future. We can either learn from the past or we can repeat it.

We cannot afford to be complacent and assume that such things will not occur in Canada. As many of you are aware, the notion that Quebec will separate is becoming reality. What was the meaning and implication of the standoff in Oka? What is in store for Canada in the future in the present trend that we are going?

For Canada, the most essential step, in my opinion, is that we have to find now a way to effectively deal with the claims of the aboriginal people. That will pave the way for the concerns of any other groups. As a nation, we have a history of intolerance of minorities, but arguably, an intolerance no greater than that of the other major nations which we may consider ourself alike to.

The modern attitudes to human rights and to minorities are largely a product of the period since the Second World War. We have not simply been

influenced by these trends; we have been active internationally in pressing for a more humane order. Critics on the right see our position as unrealistic. Critics on the left see our position as hypocritical. In an odd way, both criticisms are correct. We can only hope that we will protect ourselves from too much realism and resolve our hypocrisy in time by some greater consistency.

Our response to the aboriginal people determines the future of this country. As a Canadian, I cannot have faith in the system if the first nation of this country are still the most oppressed. As a Canadian, I cannot have faith in the Charter of Rights. As a visible minority, I cannot have faith in Section 27, enhancement and preservation of multicultural heritage.

Please try to understand how, as a visible minority, we cannot have faith, because we look at the first nation of this country and the position they are in. They were here before I was, before my ancestors were, and my lifestyle is better than theirs.

If Canada resolves the aboriginal concerns effectively, then perhaps we can expect to deal with the concerns and the actions of the other groups in the future. I would also like to set forth the notion, ladies and gentlemen, that perhaps had we been more actively involved in trying to find a true solution, not a political solution, a true solution, in regard to aboriginal concerns, we would have been in a better position to deal with Quebec. Maybe that is what we need to do.

In considering aboriginal rights, I define aboriginals' rights as the following: Recognition of self-government and self-determination; recognition of customary aboriginal law; recognition of aboriginal land claims; and recognition of land-based rights such as those of hunting, fishing and trapping.

There is no one specific proposal for one specific type of self-government. It is important to note that demands for regional or local Governments are more prevalent than those for national Government.

Furthermore, more ethnic-styled Governments, Governments based on voluntary citizenships have been proposed by the aboriginal people. The most popular proposal for what some consider to be the beginning of aboriginal self-determination is the local Government motto. It is supported by the Assembly of First Nations, the Metis National Council, the Native Council of Canada and the special committee on individual self-government, also known as the Penner Report.

Briefly this form of Government would enhance as ethnic participation and would not be compulsory. The status of the people, either members or non-members, would be decided upon by a committee composed of aboriginal members.

As well, the Government would be autonomous, having both significant administrative and legislative powers. This system would fit neatly into the Canadian concept of federalism.

The question of how well aboriginal organizations evolve or whether or not they are ready for this is a very relevant question. That is the question that has been often posed by DIAND, the Department of Indian Affairs, Indian and Native Affairs. The answer is up to the Native leadership, the aboriginal people, and it is up to the Department of Indian Affairs to decide whether they will continue to practise an outdated paternalistic policy or whether they will allow change.

There are many implementational problems and questions. However, those can be worked out and are being worked upon. The key issue and the point is that if Canada is to be the country it sets out to be on paper, if Canada is to be the country I sang O Canada! to as a kid and felt proud of, Canada is to take the next step to tolerance, which is to give aboriginal people the rights that they deserve.

* (1430)

I am not an aboriginal person. I am not a Native. The forms of discrimination that I can talk about and explain to you are in the forms of being a female and being a visible minority. If I am attacked, or if somebody from my culture is attacked, based on our culture, based on my colour, or judged based on my colour, or judged based on my attitudes, the way I am, it diminishes me as a person. It does not matter if it is attacked to somebody else within my group, what matters is—it does not matter, excuse me, it does not matter if it is accused against somebody else within my group, it hits me because I belong to that group. That is why individual rights are just as important as collective rights.

The Charter of Rights from 1982 took the one step in the sense that Section 27 was a section that addressed collective rights. I think that in future the Constitution should look at not just addressing individual rights but collective rights because that is how we live.

I would also like to say that when it comes to discrimination, I know what it feels like, but you know when I think about what aboriginal people must go through, and I think about how patient they have been, and I look across at other countries in the world, I am amazed. I am amazed at these people in their patience, in their belief that this system is eventually going to work for them. I want to have that kind of a belief, but as a Canadian citizen, if the first nation of this country, I can see the system is not working for them, how do you expect me to believe?

Thank you.

Mr. Chairman: Thank you very much. Any questions? Thank you again.

Ladies and gentlemen, before I call the next presenter, I would like to welcome our audience who are watching on cable television this afternoon. I understand we are in fact being broadcast live, and we are delighted to have you with us as well as the fine group that we have with us today in this room in the Legislature.

I now call on our next presenter, the Indigenous Women's Collective of Manitoba. The spokesperson is Randi Easter.

Ms. Randi Easter (Indigenous Women's Collective of Manitoba): Hello.

Mr. Chairman: Hello, Ms. Easter.

Ms. Easter: I have to admit following that gentleman, it is going to seem what I have to say is quite small. He was an interesting speaker. Are we on?

Mr. Chairman: Just give us another test, and we will see if we are picking you up there.

Ms. Easter: Okay. Is that better?

Mr. Chairman: Probably if you would not mind pulling it just a little closer to you, Ms. Easter, please. Try that now.

Ms. Easter: Do I get to go one, two, three, test, test, test?

Mr. Chairman: Maybe you would not mind leaning forward just a bit so we can—we want to make sure the audience hears you as well.

Ms. Easter: Can you hear me okay?

Mr. Chairman: I do not think that microphone is working. Try the other one, see how we make out.

Ms. Easter: How is this one? Is that better? They are all on. They just do not want to listen to me today. That is all there is to it.

Mr. Chairman: Oh, yes, we do.

Ms. Easter: Are we set?

Mr. Chairman: Yes, go ahead, please. Yes, there is, and we are just going to sort that out. I think it is working.

Ms. Easter: It is working? Can you hear me now, Ken?

Okay. The Canadian Constitution and the Aboriginal Peoples, An Aboriginal Woman's View: This is presented by the Indigenous Women's Collective, and I will be able to field a few questions on this, but if you have anything where I have to make a great statement, you have to send it to the president.

Bozhoo, Meegiziekwe izhinikaaz, Ojibwe Mong doodem. Today I speak on behalf of the Indigenous Women's Collective of Manitoba Inc. IWC represents the treaty, status, non-status, Metis, Bill C-31 and Inuit women in the province of Manitoba. We are mandated to speak out on all issues and concerns that adversely affect the well-being of aboriginal women and their children in Manitoba. This does not, however, limit our ability to speak out on issues that affect the lives of aboriginal peoples in this land.

As aboriginal peoples, we do not have to trace our roots agaaming (across the waters), for they are planted firmly here on our mother the earth, in this land known to us as turtle island. For those that have come to this land, we have held out the hand of friendship and caring. Now, when the biiwideg (foreign) Government once more begins to lay the rules to govern our turtle island and owanilkenindawaan (we are forgotten). For anyone to presume that what we have to offer to this process is not important, gagiibaadizi (then he is foolish). As nitam anishnobe (the first peoples) of this land, we have the inherent right to be part of any decision that will affect daawin (our home).

History shows that throughout the nations of the aboriginal peoples, it has been the anishnobe ikwe (aboriginal women) that have carried the nations. It has been the anishnobe ikwe that have kept the history and passed on the nation's knowledge. For the past few hundred years, aboriginal women have been pushed aside, stepped on, ignored and brutalized. The elders tell the legend that as long as the anishnobe ikwe are beaten down, so shall be the aboriginal nations.

This has been the case for the past few hundred years. It is, however, not the case any longer. We aboriginal women are uniting to form the circle of

power our tired nations need. We are standing strong in our commitment to bring justice back into the lives of the aboriginal people. We are committed to ensuring that the aboriginal people will not be left out of this most important process of this country.

As aboriginal people we cannot allow this biiwide (foreign) Government to continue to ignore our presence. We are like the small lit match left to smolder forgotten in the dry leaves. Soon we will burst into full flame and before you know it our fires will cover the land consuming all that is in the way. This fire has begun to burn in many parts of this country. If the aboriginal people are not given their rightful place in the constitutional process the fire will spread. This fire of truth, of strength, of power and unity, this fire that burns inside every human being to be free and self-governing. This time we will not be pushed aside and left as Canada's forgotten first peoples.

With the separation of Canada from Britain an optimism grew among the aboriginal peoples of the land. Maybe, maybe this time would be the time when previous promises would be fulfilled, treaties recognized and aboriginal peoples acknowledged as equal and contributing parties within the Canadian family. This would be the time when aboriginal rights would become a constitutional reality. It was not to be the case, so we waited, waited for the next chance to be an active participant in the constitutional process. Again, in '84, '85, '87, this was not to be reality. Here we are today, ready one more time to try to make our voices heard. We hope that someone is listening this time, because we are many votes. We can and will make a difference if we are not given our rightful place in this process.

* (1440)

This past year has been a time of awakening for the Canadian people. The problems that everyone said were American problems have come home. All of the times and the years of sweeping the problems under the rug have finally caused the floor to fall out from under this nation. It is now a time for careful restructuring of this country with all people having a part in the final design, not just one man or one small group of men.

The Indigenous Women's Collective wants our full membership of 750 aboriginal women in Manitoba counted as wanting proper representation for all aboriginal people in the constitutional process. This representation must be clearly indicative of all aboriginal peoples of our Turtle Island. There must be aboriginal women as well as aboriginal men taking part, and in equal numbers. There must be aboriginal youth and elders present, for the elders know what was yesterday, and tomorrow belongs to our youth. Without all aboriginal people represented, along with the other nations of this land, the constitutional reform will not work.

Aboriginal people represent the original distinct society of this land. For thousands of years, we have governed ourselves and cared for this land, a land that until a few hundred years ago was still pristine. We have languages, cultures, traditions and alliances that are still strong today. We were, and are, a simple people who are connected firmly to our mother, the Earth, to our Turtle Island. Our wants our simple and basic. We want to be recognized as the original caregivers of this land. We want to be recognized as the original distinct society. We want our inherent right to self-government recognized. We want our treaties recognized as binding agreements between sovereign nations. We want to be recognized as full, equal and contributing participants in the constitutional process.

Maajitaamagan, meequech.

Mr. Chairman: Thank you, Ms. Easter. Any questions?

Ms. Jean Friesen (Member for Wolseley): I want to make sure that I have understood what she is saying. It seems to me that there are two things which are important. One is the set of principles that should guide anybody looking at constitutional reform, that you have presented on the last page, the importance of treaty rights and the other list of things. The other area that I think is the basis of the paper is that aboriginal women and aboriginal peoples must be part of the process of constitutional reform. That is the other part of it.

Ms. Easter: Yes, yes.

Ms. Friesen: I am wondering if you could at this stage give us also some advice on aboriginal ways to constitutional reform. We have heard yesterday in Brandon and in Dauphin about constitutional or constituent assemblies, representative groups, selected groups or appointed groups that might look at ways of developing a new Constitution or the new kind of restructuring that you talked about, and those are very much European forms. They are French, they are American or they come from elsewhere.

I wonder if there are aboriginal forms of Government, of seeking advice, that you could advise

us of that we might look at as well, as a way to reach a new agreement in Canada.

Ms. Easter: I think one of the things that you could look at is the way that the Navajos down in Arizona and New Mexico—their structure of Government runs quite well within the United States. My reserve back home, for example, we have our own reserve police, hospital, justice, everything. If we make a mistake off of the reserve, then the police take us in there. We are taken to a court there and immediately released into the custody of the reserve.

This is the type of process that should be looked at for up here. It works smoothly. It is a third level of Government. No one is alienated from anyone else. There is intergovernmental communications going on all the time and it works quite smoothly.

The Navajos have, I believe, the strongest, possibly in Oklahoma the Cherokees and the people down there, but I do know there are processes that do work. The biggest thing to do with aboriginal people is stop looking at us as different. We are not. We have the same wants and needs. We have the same economic problems. We have the same everything. It is just everyone in society wants us to be different. The only thing really different about us is we get a much better sun tan. That is about it.

Ms. Friesen: Could I follow up on that?

Mr. Chairman: Yes, of course.

Ms. Friesen: I understand that you are giving us some good examples of aboriginal self-government. I was really looking for something of process. I have heard when aboriginal people are looking to make a decision, one of the first things you do is consult the elders.

Ms. Easter: Yes.

Ms. Friesen: That is the kind of advice that I am looking for. What are the aboriginal processes of Government that might help us look at different ways, ways that are more acceptable to everyone of forming a new Constitution or a new type of Canada.

Ms. Easter: Get out of the cities, go to the reserves. Take a translator, please. That is one of the major problems, you need translators. Like some of these words in here, very simple words. Like "foreign" is the only word I could use for your Government. That word that is in there basically means stranger because we do not have words. We cannot translate. Just like with judges, it is the guy over there in the black robe, or it is the other guy over there in the other black robe. You need to have translators, good translators.

Go out to the communities and talk to the people. The people are out there. They have the knowledge of what is needed. Stop looking strictly at the men, talk to the women. It has been our role for centuries to be the ones who have carried on the histories and the knowledge. Just basically talk to us.

Mr. Chairman: Any other questions? Thanks very much, Ms. Easter.

Our next presenter, Mr. Robert Smellie. Good afternoon, sir.

Mr. Robert Smellie (Chairman, Manitoba Division, Canadian Committee for a Triple-E Senate): Good afternoon, Mr. Chairman, ladies and gentlemen.

Mr. Chairman: Do we have your written presentation? Thank you.

Mr. Smellie: First of all, I think I would like to say that the principle of representation by population as we know it is a treasured aspect of democracy, and we are not advocating any change to that principle. However, I am concerned that those Canadians who live in the less populous regions of the country should have a fairer chance to be heard in establishing policies that affect all Canadians.

In the last 30 years we have allowed successive Prime Ministers to gradually transfer power from Parliament to the Prime Minister's Office. By virtue of the power of the Prime Minister to appoint Cabinet Ministers and also to discharge them if he is displeased, he exercises absolute control over the Cabinet. To a lesser degree he also exerts control over the Government Caucus, and any Member of caucus who wants fair treatment for his constituency or who desires political advancement for himself had better not tread on the toes of the Prime Minister.

That trend is one that I think that we have to deal with as Canadians—the trend toward concentration of power in the Prime Minister's Office. I think that the trend has to be reversed and that power has to be placed back in the hands of Parliament. There are several other reasons that I will get to for that statement.

Ontario alone has more Members of the House of Commons than all of the western provinces and the two territories combined. Nearly all of the federal civil servants live and raise their families in Ontario. Is it any wonder that federal Government policy, legislation and regulation is designed by and for

residents of that province? The two provinces of Quebec and Ontario, because of their preponderance of population, completely dominate the whole Canadian political scene. I cannot recall any federal election that was not completely decided before the polls closed in Manitoba.

The political Parties, and particularly the Government Party, must accommodate the desires of that preponderance of population in order to succeed. The rest of us have a more limited right to participate in the decision-making process even when our own exclusively western issues are at stake, and I cite the examples of the National Energy Policy, which radically affected Alberta, the CF-18 overhaul base issue which radically affected Manitoba. Neither the Government Caucus nor the Cabinet were able to reverse those things, even though the western representatives did what they could to avert both of those disasters.

* (1450)

Other democratic states have successfully overcome the disparities of population by requiring that their second Chamber or the Senate should have equal representation from constituent provinces or states—the U.S.A., Switzerland, Australia. It is notable that in each of those cases their senators are elected. Therefore, they are credible and also more effective than the Senate of Canada.

Recent events in that august body and the patronage appointments to it in order to achieve political aims convince us that the Senate must be either abolished or reformed. I do not agree with Mr. Green that it should be abolished because I think the Senate can form, and should form, a very useful function as far as the Canadian Government is concerned. I believe that reform that would create a Triple-E Senate could go a long way toward giving the citizens of Canada outside of Quebec and Ontario a feeling of belonging to the Canadian democracy, and (b) restoring to Parliament some of the power and authority which has been usurped by the Prime Minister's Office.

There have been many studies on Senate reform in the past decade. The most recent and, in my view, the most logical and comprehensive is entitled "A Blueprint for Senate Reform" written by David Elton and Peter McCormick and published in December of 1990 by Canada West Foundation. That report is attached to my remarks, and it represents clearly and accurately and in considerable detail my opinion regarding Senate reform. I highly recommend that blueprint be adopted by this Constitutional Task Force.

Constitutional priorities: Much of the malaise which affects Canada today arises from the fact that the provinces over the last 50 years have allowed the federal Government to assume a larger role in matters that are provincial in nature in order to receive the financial assistance offered by the wealthier senior Government.

Shared-cost programs enticed the provinces to give up some of their control in areas such as health and education. Quebec is the only province which has exerted a real effort to maintain its control over those matters by operating its own programs. The Quebec Pension Plan is an example, but even there, control over priorities and planning is lost to the federal Government in some measure because the plan must conform to the Canadian plan.

If I can talk for a minute about personal experience in this area, the opinion of Manitoba and the opinion of Quebec in the matter of the assumption of authority in provincial matters by the federal Government in years past was identical.

In 1963, Prime Minister Pearson introduced the Municipal Development and Loan Fund. This was a scheme which was designed to provide capital funds for municipalities. Here in Manitoba we had been trying to persuade municipalities to take control of their capital expenditures, to budget five years in advance for those things that were essential in their own municipalities and to assess priorities on those expenditures, so that they had a plan for where they were going and how they were going to finance it.

The Municipal Development and Loan Fund proposed by Mr. Pearson offered them money at very reasonable interest rates provided they spent it on projects that they would not ordinarily do in the next five years -(interjection)- exactly, upsetting all of the planning and the programming that had been going on in all the municipalities in Manitoba. They offered us the opportunity to run the plans provincially if we wished to, and we did and so did Quebec. I believe some of the other provinces did also, but the problems that come when you get the federal Government interfering in areas of provincial jurisdiction are multitudinous.

Before that program was over, the Ministers of Municipal Affairs from across this country had to unite and go to the federal Government and say, look, it

cannot work the way you are doing it. You have imposed an artificial deadline on completing projects. If you take a look at the problems that are involved in getting a municipal project like this through—in those days a municipality had to have the consent of its residents before they could go into a capital expenditure program.

That meant they had to design the program. They had to get professional advice to help them plan the program and determine what the costs were likely to be. They had to examine the possibility of raising those funds by a referendum with their people. They then had to proceed with that referendum, and by the time they got the program going, at least one year had elapsed in that time frame.

* (1500)

By the time they tendered the project once they got the approval of their ratepayers and put the program into effect, the time limits that were imposed by the federal Government were absolutely impossible. We had programs, for example—Steinbach had a program nearly completed, but it still required things like eaves troughs, exterior painting to be completed. The limit was November 30 and the program could not be completed in that time frame because the building was not up until late in October, and roofing, eaves troughing and painting in November of that year were just impossible.

The federal Government did extend the time; they did give them until September of the next year, but they simply did not understand what the problems were in the various jurisdictions of the country, and they created more problems with that program than they solved.

Similar things have happened in the health care field; similar things are happening in the field of education. It is my view that one of the things that has to be resolved in any constitutional reform is the clear division of responsibilities between the federal Government and the provincial Governments. After that clear delineation has been made, then the taxation authority of the separate levels of Government has to be revised commensurate with the responsibilities that are given to the different Governments.

We never ever would have gone into the health care programs that we did in the provinces if it had not been for the carrot of money coming from the federal Government. We never ever would have done some of the things we did in education that are now costing us money, that provinces cannot afford without the carrot of extra money from the federal Government.

When the going gets tough, when those programs become advanced and it starts costing us a lot of money and we enter into a period of recession, then the feds turn around and say to the provinces, I am sorry but you cannot have as much money as you used to have, or they start imposing rules upon how the money is to be expended that will not allow the provinces to really conduct their own program in the way they would like to with their own set of priorities.

Mr. Chairman, I have not gone into the details of the blueprint, but I would be happy to answer any questions that anybody might have. I might indicate to you that I really appear here as chairman of the Manitoba division of the Canadian Committee for a Triple-E Senate.

Mr. Chairman: Thank you, sir. You are, therefore, not speaking as a private citizen but on behalf of that group?

Mr. Smellie: Yes. I am speaking on behalf of that group.

Mr. Chairman: The Manitoba committee for a Triple-E Senate?

Mr. Smellie: Yes.

Mr. Chairman: Questions? Mrs. McIntosh.

Mrs. Linda McIntosh (Member for Assiniboia): Yes. You have indicated in your brief that you feel that reform creating a Triple-E Senate would go a long way toward giving the citizens of Canada, outside of Quebec and Ontario, a feeling of belonging to the Canadian democracy.

I wonder if you would mind enlarging upon that a little bit.

Mr. Smellie: When the Canadian Government proposed to establish a repair program for the CF-18 aircraft, they put it out for tenders. The best tender, according to all of the studies that were done by the civil servants employed by the federal Government, was the one that came from Manitoba. The federal Government then started taking a political look at this issue and decided in their wisdom that there are a hell of a lot more votes in Quebec than there were in Manitoba, and so the program went to Quebec. I do not know how you felt about it, but I sure did not feel that we had any part or any say in what was going on in Canada at that time.

The same thing had happened to us before. It happened to us in the Air Canada overhaul base which was sent to Quebec rather than—actually it was transferred out of Manitoba into Quebec, not necessarily because of practical considerations but because it was politically expedient to do so.

The National Energy Policy that was primarily designed for the benefit of Canadians living in eastern Canada was a disaster for the Province of Alberta. In both World Wars, we have had a two-price system for grain grown in western Canada for the benefit of people in eastern Canada. It seems that every time the western Canadian farmer gets an opportunity to pay off the mortgage or to make a little bit of money for his own future, the federal Government steps into the picture and makes sure that he cannot.

Mr. Chairman: Mr. Smellie, if I could just follow up on Mrs. McIntosh, what I do not understand, sir, is, how would a Triple-E Senate prevent that from happening? I do not see among the powers of the Senate as you have shown them in the paper by Elton, I do not see the power to review all the tenders that are let by the federal Government. Therefore, I am afraid I always miss the connection. I understand the grievance very well, but I miss the connection of how a Triple-E Senate would remedy that situation, and perhaps you could explain.

Mr. Smellie: Well, let us put it this way. Until very recently, the Senate that we have has largely been ignored by the federal Government—a succession of federal Governments. They have taken the attitude that this group, this body is not elected. They are therefore not credible, and although they do have constitutionally very effective powers, they have been fearful of exercising those powers because the senators themselves say, we are not an elected body. We should not, therefore, have the right to overrule what is done by the elected body or the Cabinet which comes out of that elected body.

When you talk about a Triple-E Senate, the first principle of course is that it has to be elected. If it is elected, and if it is given the powers of delaying legislation—the same as it has now—or refusing legislation—the same as it did this week on the abortion legislation—then you have a very, very different situation. The Senate has to be heard.

That does not mean that they are going to review matters such as tenders, and they will not because that is an administrative or an executive function, it is not a legislative function. Certainly it does have an effect on the attitudes in the Senate. If the Government is going to ride roughshod over the wishes of the people in any given area of Canada, it is going to be much more difficult for them to effectively move legislation through the Senate because of the opposition they are going to have in that Senate from people in the areas that are affected. That is why we have to have equal representation in order to give them the same kind of clout that the Senate does in the United States, for example.

Mr. Chomiak: Mr. Chairman, I have two or three quick questions. The first is: Mr. Smellie, you illustrate in the beginning of your presentation that basically the problem you ascertain has resulted from a political problem in the Prime Minister's office, or the functioning of Parliament, per se. That is the elected representatives. What I fail to understand is how would that necessarily be prevented from happening in an elected Senate.

Mr. Smellie: Well, what I said at the end of the paper was that it was essential to the future of Canada that the division of powers between the federal and provincial Governments be adhered to in its current form or in a renegotiated form.

I really think it has to be renegotiated, because I do not think the taxing powers are now commensurate with the responsibilities that are given to the two areas of Government.

Also, if you have a Triple-E Senate, which has the power to overrule legislation coming from the House of Commons, it has to be treated with much more respect than the Prime Minister's office treats it at the present time.

Mr. Chomiak: I guess I did not phrase my question right.

What is to prevent an elected senator from Manitoba from adhering to the wishes of the Prime Minister in office of any political Party if he is a Member of that political Party that presently exists in the House of Commons? What would make it necessarily regionally effective?

Mr. Smellie: Well, if you read the blueprint you would see that an attempt has been made in that blueprint to divorce the election of senators completely from the election of the House of Commons and also to make certain that there is a possibility of people being elected to the Senate who do not necessarily have any Party affiliation.

There is a provision in that blueprint that senators cannot be Members of Cabinet and—does that mean I am finished?

Mr. Chairman: No, sir. It does mean the time has elapsed, but you are in full flight, so please continue.

Mr. Smellie: It means that there is less influence exerted over that senator by the Prime Minister's Office than there is if he is a Member of the House of Commons.

It also proposes that in some cases where there may be a desire to have a senator in the Cabinet because there are no elected representatives from a particular region in the House of Commons—and that has happened on several occasions—then that senator would have to resign his seat in order to accept a seat in the House of Commons. He would not have to seek election to the House of Commons in order to hold that Cabinet post, because he had been elected when he was appointed.

Mr. Chomiak: Just one final supplementary to that comment, why do you necessarily presuppose that the elected Senate, based on equal regions, necessarily has to be based on provincial boundaries? Why could it not be based on other constituent boundaries, aboriginal boundaries for example? Have you considered that?

* (1510)

Mr. Smellie: I have not. The provincial boundaries seem to me to be the most reasonable ones that are completely defined at the present time. It is the system that is used in the United States, in Australia and in Switzerland, and it is a system that we have seen working with some degree of credibility in those other states.

Mr. Chairman: Thanks very much, Mr. Smellie.

Mr. Smellie: The pleasure was all mine.

Mr. Chairman: The next presenter is Mr. John Craig. Mr. John Craig?

We are going to take a short break then, ladies and gentlemen, before our next presenter, who will be Mr. Manley Steinman. We will be back in about 10 minutes. Stay with us.

* * *

The hearing took recess at 3:12 p.m.

After Recess

The hearing resumed at 3:36 p.m.

Mr. Chairman: Ladies and gentlemen, I am sorry. We took somewhat longer than I had suggested we would, and my apologies to those who are still waiting to present. Our next presenter is Manley Steinman.

Mr. Manley Steinman (Private Citizen): I have to get my glasses out now.

Mr. Chairman: Good day, sir.

Mr. Steinman: I can see girls without glasses but not my writing.

Mr. Chairman: Thanks for your written presentation.

Mr. Steinman: I must apologize for that written presentation. I did not know that it was going to be xeroxed. I was told on Thursday evening to appear here, and I had only yesterday and this morning to scribble this out. So I hope you can read it. I will try and get it typewritten some other time and send it back here.

One thing I do hope is that we will get a Constitution that we will all be proud of, easy to read, and one that will inspire us again and again. I hope that will be one result. Our aim must be to protect and improve our democracy.

I have listed some of the issues that concern me. One, for example, jobs at a wage level far above the poverty line must be guaranteed. I have some quotations here from a good friend of mine, F. D. Roosevelt. I call him a friend, because I lived in the States when he came in. The inherent right to work is one of the elemental privileges of a free people. Continued failure to achieve that right and privilege by anyone who wants to work and needs to work is a challenge to our civilization and to our security. Later on, he stresses that unemployment is the greatest menace to our social order.

My second item, a fair progressive income tax system must be guaranteed. There is no doubt that the last 10 to 20 years saw the rich get richer and more people becoming poor. FDR, again, says the hopes of the republic cannot forever tolerate underserved poverty or self-seeking wealth.

My third item, good health care must be provided as a right in our Constitution, irrespective of income. Our medicare system must be maintained and improved, not dismantled.

Four, it must be made mandatory throughout the country that the meaning of democracy be taught throughout our school system—elementary, high school and university. Today, with the threat of "friendly fascism"—I have that in quotation

marks—such teaching is as important as the three R's to participate in public affairs, to question and to criticize.

Five, there must be freedom from want and freedom from fear. Roosevelt again says, freedom from fear is eternally linked with freedom from want. We cannot be content, he says, no matter how high their general standard of living may be, if some fraction of our people, whether it be one-third or one-tenth, is ill-fed, ill-clothed, ill-housed and insecure. This was in the 1940s, and today things are worse in the States now.

Six, it must be a part of the Constitution that a good education be available throughout the school system, including our universities, irrespective of income. For example, today our universities, especially medicine, are available mostly to the rich. The school is a last expenditure upon which Canada should be willing to economize, yet this is just what is happening. I was hoping to have some papers xeroxed from a marvellous book written by an American, Peril and Promise by John Chancellor, but I think the xeroxing machine could not take it. However, there will be a copy for you, Sir, the Chairman.

* (1540)

Seven, dealing with political matters: (a) there must be provision for recall of any elected politician; (b) proportional representation must be mandated; (c) financing any election campaign must come from the federal treasury. Money must no longer buy elections. We all know that most people voted against the Conservatives in this last federal election. I should not say most, but there was a majority that voted against them. There is apathy and disgust on the part of our citizens. The will of the people is not listened to. Public office means serving the public and no one else. The (d) part of the electoral system, politicans who lie and who do not keep their campaign promises must be suspended without pay.

Eight, there must be freedom of the media in the interest of the general public, and not to be controlled by monopoly or the rich. I quote FDR again, because he is the most recent politician that I do respect. By a free press, I mean a press which is untrammeled by prejudice and unfettered by selfish bias, which will serve no cause but that of the truth and will recognize no master but justice.

Nine, there must be freedom of speech and expression, of religion, of beliefs as long as such freedom does not incite hatred. Racism must not be tolerated. That which divides us must not be tolerated also, which is just what our present multicultural policy does. Appeals to prejudice, to unkindness, should be an offence. If you had been in the schools, any of you, recently, you will understand there too what multicultural ideas do there.

The sale of armaments, (10) must be banned totally, except where necessary to defend democracy not dictators.

Eleven, justice must be done to the Canadian aboriginal people without further delay.

Twelve, I am not in favour of our country breaking up into several—now I lost something. I think, when this was being xeroxed, the last page disappeared. That last page—could I get a copy of that, please?

I am not in favour of our country breaking up into a bunch of little kingdoms, not more power to the provinces, including Quebec. I think the Conservatives there, the federal Conservatives, have given far more money to Quebec than to any other part of the country, and the facts of that have appeared in Newsweek, Time magazine, The Globe and Mail, the Free Press, and Maclean's. I am in favour of a strong progressive central Government.

Divide and rule is an old strategy to end in the United States doing what it wants with us, thanks to the federal Conservatives. Only such a central Government can effectively help those who cannot help themselves, such as our poor, our handicapped, those who are presently depending on food banks, on welfare, et cetera.

I believe that the above items, if implemented, will make Canada a better, fairer and more prosperous country for all our citizens. At present the gulf between our rich and the poor is obscene, when we consider that Canada is one of the richest countries in the world.

Did I beat the 20-minute limit?

Mr. Chairman: Yes, sir. Thank you. Any questions.

Mr. Chomiak: You mentioned in your presentation that justice must be directed toward the aboriginal people. Did you have any specific suggestions in mind, Mr. Steinman?

Mr. Steinman: Well, on almost every one of these topics we could spend a whole day on, could we not? I think they should be granted as our first nation what they want. They want to run their own affairs. They have done that for maybe thousands of years before we got to them, and let us hear what they have to say.

If it can be implemented, why not? Will it hurt us? Certainly, it is better than for them to live on those crummy reserves. Some of them are good, but if you have ever been on a reserve, you must know what desolation there is, like the one near Clear Lake, for example.

I did not mention anything about the Senate, because if we get those reforms put in, like recall, et cetera, the Senate will be okay because they will be elected. It will be an elected Senate, and they will be subject to those rules of telling lies, of being recalled, et cetera.

Mr. Chairman: Any other questions?

Hon. James McCrae (Member for Brandon West): Mr. Steinman, it is one thing to guarantee in writing employment opportunities for everyone. Could you tell me how you could give such a guarantee the kind of teeth it would need to make it a credible guarantee? How can we guarantee employment for everyone? Can you tell us that?

Mr. Steinman: Well, look at all the cutbacks we have been having these past several years, just like before the last depression, and I lived through that. I should tell you, I am 81 years old. I am old enough to have lived through that. When the war came last time, and this time, we have got billions of dollars for that, but we did not have to train people, to put them to work on our streets, our bridges, our sewers. There is so much work to be done in this country of ours that is not being done. We get these reports from our own Engineering Department in Winnipeg.

Mr. Chairman: Thank you very much, Mr. Steinman, and I do have the offprint from John Chancellor's—

Mr. Steinman: Oh, you did get it.

Mr. Chairman: Yes, I got it, thank you. We all have, I think.

Our next presenter, Mr. Cyril Keeper.

Mr. Cyril Keeper (Private Citizen): There are so many mikes here, I am not sure which way to look. I will make an oral submission as well and will not give you any excuses for not having written out anything, although I do favour the oral tradition. I think that my ideas are simple enough that they do not have to take a great deal of time.

I think that it is obvious to us all that we are in a crisis in this country, that we are in a—you know, our backs are against the wall. It is time for us to face up to the realities that are before us, and so I think that we all have to speak a lot more frankly about Canada, about the Constitution and about the options that we have.

The first priority that I would like to speak about is aboriginal people. In terms of addressing the situation of aboriginal people, I think now is the time. The demands of aboriginal people for self-government are of long standing, for decades and even for generations. Yet the fact that the country is in a crisis right now offers an opportunity.

The Meech Lake Accord fiasco demonstrated that we really cannot deal with the Constitution in this country without dealing with the place of aboriginal people in the country. Now is the time because we will be revising the Constitution. We will be facing up to constitutional questions in very short order. Constitutional questions are critical to aboriginal people because what we have tied up here is a question of survival, survival of aboriginal cultures, survival of aboriginal peoples.

* (1550)

One of the reasons that we have such devastation in the aboriginal community right now in terms of low incomes, alcoholism, violence, the fact that we have very high levels of incarceration in the prisons, that the hospitals in the inner city have a very high percentage of Native people amongst the clientele relative to population, the fact that child care agencies service disproportionately aboriginal people. All of this comes back to notions of self-government.

Before European people arrived on this continent aboriginal people governed themselves and had viable and functioning economies and cultures and people lived in pride. The rug that was pulled out from under the feet of aboriginal people and cultures was the destruction of the aboriginal economy and the destruction of the capacity of aboriginal people to govern themselves, so that the question of self-government is critical to the very survival of aboriginal people and to the solution of any of the social problems that weigh so heavily upon the conscience of all Canadians.

There is also a question of justice here in that Canadians are a people who care about justice, and there is no way that you can leave this sore, this festering sore, unattended to. Now that we are dealing with matters of self-government, whether it is for Canadian, whether it is for Quebecois, we have to, at the same time, deal with aboriginal people, and there is a message here with regard to aboriginal people that Constitution making has to do with

including people, rather than excluding people. The last round attempted to deal with Quebec's agenda by itself and failed largely in part of that strategy and approach. It also failed because the Governments of the Day lost the opportunity that they had.

Prior to the Meech Lake round they had an opportunity to resolve the questions of aboriginal self-government. If you remember, we had constitutional hearings in Ottawa. The Premiers and the Prime Minister there were mandated to deal with the question of self-government for aboriginal people, and there was a visible contrast in the sense of urgency with which people addressed the Native concerns, as they addressed the concerns relative to Quebec, obviously having to do with the political clout of Quebec. The opportunity was there before we went into the Meech Lake discussions to have already dealt with aboriginal concerns and they were not resolved, so that a good part of the reason for the failure of our last round of constitutional discussions could have been prevented. We just failed to face up to the fact that we have got to address the issue of aboriginal self-government, that we have got to face up to the fact that if we are going to have aboriginal people in this country, and not just brown white men, not just dark-skinned descendants of aboriginal people, if we are going to have an aboriginal community, that we have got to address the question of aboriginal self-government, as difficult as that can be.

The message there is one of inclusion. We have got to include not only Quebec but aboriginal people, women, the sense of place of ethnic people. We have got to have an inclusive process as we go into the Constitution.

The second critical item that I would like to deal with is the question of where we are going, and this is where I think we need a lot of candour and frankness, and a willingness to look reality in the eye. As I listened to the Allaire report from the Quebec Liberal Party, as I think back on the options that were offered in Meech Lake, as I think back on the visit that I made to Quebec just before Meech Lake and talking to people, it is clear that the demands and the aspirations, or even if you read back to the beginning of the 1960s and you read every report that came out with regard to constitutional reform out of Quebec, whether it was the Bége (phonetic) report, the earliest reports, the instinct from Quebec is for a more decentralized federation, whereas the instinct from Manitoba's perspective is to have a strong national Government and to have a strong central Government.

The instinct from Quebec is one of more decentralization and I think that the Allaire report makes it quite clear that the aspirations of many people in Quebec, if not all, are for a level of decentralization that simply would not be acceptable to most other Canadians, and certainly not most Manitobans, that there is a level of decentralization in which we become a country of regions. We would be more a western Canada, Ontario, Quebec and the Maritimes, rather than a strong national presence.

That is the impetus that is coming from Quebec and we need to be frank about what our instincts are, what we need and what we want as Canadians and as Manitobans. We cannot just go to the table and kind of try to accommodate Quebec.

If these negotiations or any future constitutional discussions are to be meaningful, then we have to go there with a clear conception of what Canada means to us. One of the things that we have to do now is we have to recognize that there is a very real possibility, if not a probability, that Quebec will separate from this country regardless of what we do. We have to face up to that reality, and one of the things we have to consider is what level of decentralization are we willing to accept because even if we put in place that level of decentralization and then if Quebec leaves, where does that leave us?

In other words, one of our needs, I think, as Manitobans and as Canadians, is that we have a sufficiently strong national Government that can hold this country together whether or not Quebec stays in the federation, and I think that is a very real possibility so we have to look at it. I would like Quebec to stay in this federation, but if it is going to stay, then it is going to have to be on the base of meeting both our needs, both Quebec's needs and our needs. There has to be something that was missing in Meech Lake and that is a process of give and take.

If it is going to be possible to have a Canada from sea to sea including what is now the province of Quebec, then the process is going to have to be one of give and take. We cannot have a process of give and take unless we are willing to say clearly what our needs are because Quebec has no hesitation in saying what its needs are, and they ought not to have any hesitation in doing that.

Now whether or not we can bring together the needs of Manitobans with those of Quebec, I do not

think anybody really knows that at this point, and I think we ought to be frank about that. If I had my druthers, I would like to see a national Government that has a capacity to manage the economy. One of the things the people want is they want to be secure in their employment and their income, and if your national Government does not have the capacity to deliver on that, then allegiance to that national Government could evaporate very quickly. The economy is one thing I would like to see.

* (1600)

I would like to see the national Government having the continued capacity to be able to have programs like medicare, old age pensions, to be able to do something about poverty in this country. For example, if the timing was ever right and we ever got up enough courage to advocate a guaranteed annual income in this country, if we ever said that we really want to do something about poverty—at one time we were really ashamed of the fact that old people in this country did not have the money to live on, so we did something about it. We changed their income; we introduced pensions.

Well, if one of these days this country ever comes to its senses and says that poverty, people going to food banks and children going to food banks is no longer acceptable, and we actually want to do something about it, we want to change their income levels, then I would like to see a Government that has the capacity to do that. I do not want to have to rely on Manitoba alone to do that.

Those are kind of like some of my—what can I say—hopes for a Canadian nation. That does not mean that I would get everything that I want, but I think we have got to start from stating very clearly what we need and what our conception of this country is because the people in Quebec are stating very clearly what their conception is, and if we ever go to a table to try to work something out, the only way to work it out is if we are both willing to do that and willing to give and take.

I would also like to see the capacity of the national Government to deal with environmental issues. In other words, I think that constitutionally in this country there ought to be a national standard with regard to environmental matters. If a province wanted to have tougher environmental laws, then they ought to have the right to pass them, but not to pass weaker ones because if we are going to impose a level of standard with regard to the production of pulp in this province, for example, if we said no more bleach in the pulp in this province, well, it is going to be difficult for us to do that if they can produce pulp in Ontario with bleach.

I would say that I would like to see a national standard with regard to environment and the legislative capacity there to have that done. There are things that I would like to see and I am sure that many Manitobans would like to see with a national Government. It could be more. At the same time I am very appreciative of the fact that we have provincial Governments that have a great deal of autonomy because I know from having worked in the federal Government myself as a civil servant—I will not tell you how many years ago, but a number of years ago—and then having worked in the provincial Government here in Manitoba that there is a difference in scale.

When I was working in the federal Government on funding for Native programs, just when that was beginning, I had seven levels of management between myself and the Cabinet Minister that had to sign the documents. We were developing programs for funding, and we had a mandate to do it. It just meant that we spent months, years developing a package, had a fully developed package before we took it to the politicians. The bureaucrats were dealing with the citizens, the Native people at that time.

When I came and worked in the Manitoba Government, I found it was a totally different situation. There were two or three levels of management at the most between myself and Cabinet. At that time we were dealing with the Northlands Agreement, and what could happen there is that you could take a document to Cabinet this week, they could look at it and give you some feedback. You could take it back a couple of weeks later or even the next week, and there was much more of a sense of human scale.

In Manitoba, when I was out of the Government, and I was running a Native program and trying to lobby for the funds, I actually could go downtown and accidentally run into Ed Schreyer who was the Premier at the time, bend his ear and tell him what his Government was doing wrong to damage my program and damage the people, and he was able to do something about it. You could never do that nationally. You cannot walk into Salisbury House and meet the Prime Minister. There is a human scale. There is a value to having provincial Governments that have some autonomy and some ability to act.

I want to go to my third and final point, and that is constitution making has to be based upon the consent of the people, not the consent of the Prime Minister, not the consent of the Premiers, but the consent of the people. I want to make a suggestion in that regard and I will elaborate as to why. I want to suggest that this committee here, and I understand that you have the capacity to make recommendations to the Government and to the Parties as to our strategy with regard to Constitution. I want to suggest that what we ought to do is we ought to pass legislation to allow for a constitutional referendum in Manitoba. We ought to pass that legislation now so that when a couple of years down the road when we have to deal with actual Constitution proposals, that framework will be there. Going into the last discussions what we had was we had a capacity to have public hearings.

Well, I think we need more than that. I think that, yes, Manitoba ought to discuss the Constitution with the rest of the country and with Quebec, with Bourassa, with Parizeau, with whomever. We ought to be prepared to discuss it. Our Premier ought to go there, but he ought to be required to come back here and hold a referendum with regard to whatever the package is. Whatever has been negotiated ought not to pass the Legislature of Manitoba without first being presented to the people by way of a referendum.

Now, I believe that for a number of reasons. One is that we can look back to the Meech Lake process, and you know that feelings were very strong in Manitoba to say no to Meech Lake. You held public hearings, and those feelings came across. The political Leaders in this province were aware of that, all three political Leaders—Sharon Carstairs, Gary Doer and Gary Filmon. They were all aware of that and Sharon, in fact, built her—I mean sincerely—political image on that issue. Then I must say destroyed it in the end on that same issue.

The point is this, that these Leaders were aware of the sentiments of Manitobans and then went to Ottawa for the negotiations, and they buckled. They buckled because they were afraid to be blamed for the breakup of Canada, and that is an enormous pressure. I can understand why they did that, but having public hearings did not assure that Manitobans would have their voice heard.

In fact, the only reason that Meech Lake was stopped in Manitoba was the fact that Mulroney was stupid. Mulroney waited till the last minute. I mean, if he had allowed for more time, if he had allowed 90 days instead of 30 days, that document might have gone through this Legislature. I do not know, but by waiting till 30 days and then our requirements to have public hearings and then so many people putting their names in—I put my name in, as well—for those submissions, and even with the Leaders coming back here and saying, okay, we are going to endorse this, but the pressure being so strong here in Manitoba that I think the Leaders kind of backed off and said, okay, we will let Elijah speak up for Manitoba.

The normal sort of Party discipline was not—the Whips were not on it the same sense. Thank goodness Elijah was there. Thank goodness he did speak up, but the point is that even having to have public hearings does not assure that Manitobans will get their say. We just had public hearings with regard to the environmental Act. Clearly, people said that there is no way that you should be allowed to turn over the assessment of an environmental project to another jurisdiction, but that aspect stayed in the legislation. So public hearings do not mean that you get heard.

I suggest one way of assuring that Manitobans will be heard is to have a referendum in this province on the specific proposal—what does the bell mean, Mr. Chairman? Does it mean anything?

Mr. Chairman: Yes, sir, it means your time has elapsed.

Mr. Keeper: Elapsed, okay. So I should close up then.

* (1610)

Look, when we get into these discussions there is going to be enormous pressure. Why is Quebec having a referendum? Quebec is having a referendum because it gives them political muscle to do it. It is a way of them allowing for their peoples' voice to be heard.

If our Leaders go into those discussions, my worst fear is that our Leaders—our Leaders. I do not want to call them our Leaders, quite frankly.

When I think of Brian Mulroney at that table negotiating, he is not negotiating on my behalf I can tell you, at least not my impression. He is liable to come out with such a weakened version of the Canadian federation that we will not even recognize it.

I do not know where the man comes from. I do not trust him. Frankly, I do not have much confidence in the Premier of this province to go into those discussions and to come out with something that I feel

is legitimate or that the people of Manitoba will feel is legitimate.

Okay, Allaire comes out with his demands this long. Then Mulroney and the rest of the Premiers go in and say, okay, we will cut it half way down the middle, and then that is supposed to be okay.

I think the package ought to come back to Manitoba so that ordinary Manitoba citizens can have their say with whatever the package is. Then we can have a real debate in this province as to the merits, the pros and the cons, and we could have our say.

Basically then to sum up in final, Mr. Chairman, I believe that now is the time to deal aboriginal issues. It is an opportunity, because the country is in crisis. It is only in crisis when we really deal with things, so let us deal with the aboriginal issue. Let us face up to the fact that aboriginal self-government is essential to the survival of aboriginal people. Let us face up clearly to where we are going, to the real challenge that we are facing.

We are facing a situation in which this country might be so decentralized that it will be totally unacceptable to us. Let us put out there what we think we want for the country and put in place a process that will allow us to have a say and will give our Leaders some clout when they are at the negotiating table so they can say, look, boys, we cannot accept this and we cannot take it home.

Thank you very much.

Mr. Chairman: Thanks, Mr. Keeper. Are there any questions now?

Mrs. Render: Mr. Keeper, you have emphasized aboriginal rights. You have said a couple of words which have caught my attention. One is "self-government." I find that there is a lot of confusion about what self-government means. Another word that caught my attention was "process." I think that is a very important word, because I think, again, what process are we going to use to address the concerns that aboriginal people have. So it is a two-part question.

Mr. Keeper: Okay. Well, first of all with regard to self-government, yes, there is confusion. You hear different versions of it and hear people having different kinds of fears about what it might be.

In the final analysis we are not going to know what self-government for aboriginal people in Canada means except after the negotiations, after people sit at a table and actually negotiate something and it is there in constitutional language. Now what it means in spirit and in direction is what we can be clear about. What it means is that for aboriginal people to continue to exist, and speaking as a member of the aboriginal community, that we have to have a say about what goes on in our community, that we have to control what goes on in our community.

You know, you cannot have a Canada without Canada having the capacity for self-government. If you look back historically, Canada was originally a colony of Britain and there were movements for self-government. Why, because people saw themselves as Canadians more than as British, and they wanted to live as a people. Well, aboriginal people are a people, a community, and if you are going to continue to exist as a group, then you have to be able to make collective decisions. That is really what self-government is about. Now exactly what it would mean—in the final analysis, what balance of authority I think would have to come out of the results of genuine negotiations.

Now, process—process has to do with genuine dialogue, but I do not know that there is any mechanism to really say here is the mechanism that will assure you how to deal with aboriginal people. Clearly you have to deal with the leadership of the aboriginal community, you have to deal with it honestly, not just kind of a fake negotiations but a real dialogue. That dialogue has to start from—If you do not have a joint commitment that you are prepared to negotiate self-government, then I do not think it is going to go any place. Now on the sides of provincial Governments or national Government, they will be feeling the limits, right? I mean, well, you cannot go that far. We will give you this much but not that much. Well, yes, that is legitimate.

On the other side, aboriginal people are going to say we need this, and we need more, right? If you do not give us that, it is a wash out. Well, yes, that is a natural part of the process, but how do you deal with aboriginal people? You have to deal with the leadership, and you have to deal in a kind of a—well, it has to be a real dialogue rather than manipulation. You have to have some common goal, and the common goal I think in this case has to be a commitment to self-government. The reason you do it is because you cannot have aboriginal people—aboriginal people are not a set of individuals. It is a community, and you cannot have a community, a group of people, without some common institutions for decision making.

Ms. Friesen: You spoke in favour of a strong central Government, and also given us a very personal and also a political version of the value of provinces, particularly small provinces.

Some areas of Canada, particularly the Maritimes, are talking about a restructuring of provinces, a restructuring of some elements of Confederation. I wonder if you could give us some thoughts on that from perhaps a western perspective. What do you think of something in between . . . population, for example, recently in Saskatchewan that are still going on? Would you advise us to be looking at more dramatic issues such as that?

Mr. Keeper: Such as what?

Ms. Friesen: Such as a western province, for example, such as they are talking about in the Maritimes.

Mr. Keeper: Well, I will tell you what, if you want my—I mean I am not speaking for the Party now or for—own personal preference, I would not favour one province for the west, because I think that we would lose the aspect of human scale, and right now we do have a human-scale Government in this province.

It is possible to walk downtown and make a submission here as an ordinary citizen. I cannot do that in Ottawa, and I could not do that if we had to go to Edmonton. I think we do need a—you know, there is a movement toward a downscaling of Government, and I think that is legitimate. So I think we are very fortunate in having a province the size of Manitoba.

At the same time, I think that we, as Manitobans, as a part of the Canadian Federation, need a strong national Government. Also, it has to do with who you are, with identity like "I am a Canadian." I think most Manitobans see themselves as Canadians.

I know when I visit the province of Quebec that most Quebecers see themselves as Quebecers and essentially do not see themselves as Canadians, at least not in the same sense that we do here. What we are trying to do, if we try to preserve Canada, is we are trying to have a country in which two identities can exist. There are other identities as well, but I mean it is an accommodation. One is leaning toward decentralization; the other one leans more toward centralization. They lean toward decentralization, because they get their centralization within the province of Quebec. That is where they get the expression of their identity.

Now, if there is still a common purpose that we can have together, all of us, Quebec and the rest of us, then let us negotiate it and let us have it, but if we have come to the point where that is no longer possible, then we are better to divorce amicably. Here is the example of Sweden and Norway. Norway was a part of Sweden, if I understand it correctly. Over a period of some 60 years, there was a movement for independence in Norway, and they eventually created their own separate country. Sweden went on and is nonetheless for it today.

I would like us to have Quebec in Canada, but we cannot accomplish that by sacrificing our own interests. Both interests have to be negotiated with regard to different provinces handling different—I think we could have a real discussion in this country about what powers do we need nationally and what powers ought to be provincially.

I think it could be different than what we have now, but I think, as a Canadian and as a Manitoban, I see a need for a strong national Government, because if Quebec does eventually separate and leave, then we have to—I would like to see us keep the rest of the country together, but you cannot do that unless you have a national Government that is capable of doing it. I do not see myself as a western Canadian; I see myself as a Canadian.

Mr. Chairman: Thanks very much.

Mr. Keeper: Thank you.

Mr. Kenneth Emberley (Private Citizen): Mr. Chairman, ladies and gentlemen, I really mean it when I say it is a pleasure to be here, and thank you for the invitation and thank you for being kind enough to broadcast it so the people of Manitoba, many hundreds, many thousands can hear and see what is being said today, what is the interest of the people.

* (1620)

I would like to begin this thing by a very strong expression of gratitude to our distinguished leader, Elijah Harper, the only MLA with the guts and integrity and courage and honesty to stand up for the people against Meech Lake. All of our other leaders let us down.

I have been involved since I was 17 years old in politics. When I was 19 years old, I had my first 50-page paper on political affairs typed up. As a young part-time labourer going to university, I paid to have a woman type up a 60-page paper, my version of the Beveridge report of how I wanted the world to be after the Second World War. I have a little bit of experience taking part in these things.

I am so proud of Elijah Harper. Everything I can find about the Meech Lake agreement is purely an agreement between the earls, the dukes and the barons of how to carve up Canada for their benefit and the benefit of their corporate friends. It has nothing to do with the well-being of Canada as a nation—nothing whatsoever. I would like to apologize for Sidney Green's very strong criticism of the Native leadership. The Native leadership does not represent the people. Well, certainly I have not seen very much evidence over the last 25 years that the other political leadership represents the people.

Chief Billy Diamond told a story in his book, Chief, about when he got trouble from a Mr. John Ciaccia whom I have met. He had John Ciaccia go up to one of the most primitive little tiny Cree communities up around James Bay, and he told the people, this is the guy who wants to wreck your country. He said, I felt badly about turning him in like that because he had been a little bit decent to us, but I said, you tell them what you think. John Ciaccia had to listen for two hours to a whole bunch of peasant Indians, hunters, trappers and fishermen, men, women, children, elders and a very large number of intelligent women leaders telling him what they wanted for their land. It was exactly what their leaders had happened to be telling him 500 miles away in Quebec City. He left the meeting. He did not ask again if they represented the people.

Last night's paper on page 26, I have a quotation here—I hope the quotation is not too badly garbled: We are looking at the future of the country and the province, even those beyond our control because of commercial union, free trade, GATT and the power of internal leaders who want to sell the country, want to sell its resources, want to sell the labour of its lower classes, and they want to sell the control of its institutions and of external leaders who demand completely free access to all of these institutions in Canada.

On page 40, it said: Rich nations adopt low environmental standards to allow business least-cost environment destruction to continue. Now, I think the Constitution reflects the Government reflects the policies of the country reflect the businessman's policy. It does not reflect very much what the people want.

The Constitution has so much to do with powers, how much to do with powers, how much control, how much to do with what the Supreme Court's laws over the people, how much you can do this and how much you can do that—no right in the Constitution, very deliberately left out for groups of labouring people to gather together in trade unions. Like the Chamber of Commerce has the right or the Business Council on National Issues has the right, no group rights for environmentalists to fight and lobby on behalf of their environment, on behalf of the country, nobody else doing it.

So I am very skeptical of this business of the Constitution. There is no future unless policies are drastically changed and people, mostly the many ordinary people who love their country, are allowed much more power in the process. I do not happen to see a Native person sitting here today, although I understand you have one officially on your committee, but how much can one token Native person represent their issues? -(interjection)- I am sorry. How much can one token Native person represent their issues?

I beg of you—and I have done this before. I do not know how much good it has done. There is a story, Chief, the story of Billy Diamond, a 23-year-old Indian that had to challenge the power of one of the most brutal Governments in Quebec and Canada's history. A nice little book I got in the pocketbook store, the Orangeburg Massacre, the story of a massacre almost identical to Kent State University two years before, almost identical to the French cavalry attack with all kinds of guns, stun grenades, machine guns, hand grenades, all the power of the military, against women and children standing on the blockades on their own land in Quebec.

If there is anything that reminds me of the Gestapo and the Nazi storm troopers, it is the Quebec French cavalry down in United States shopping for armoured personnel carriers to attack their Native Indians on their own land. Canada and the United States are going bankrupt, deliberate policies.

I enclose a quotation here from a nice little new book, one of five I have come across in the last few years, Wealth and the American Electorate in the Reagan Aftermath, The Politics of Rich and Poor, by Kevin Phillips. This Republican heyday, as Phillips calls this, has increased the share of income to the top 1 percent of Americans by between a hundred to a hundred and fifty billion each year, inflating markets and everything from stocks to Picassos to million-dollar homes, even as other Americans, from Minnesota farmers to 55-year-old middle managers and 19-year-old ghetto youth, see the American dream fade before their eyes, a very provocative

analysis of how the 1980s were the third great era in which the Republican policies managed to concentrate vast wealth in the hands of a favoured few.

The two previous great heydays were the 1920s followed by the giant depression and the guilded age of the late 19th Century. All were presided over, boom and then bust cycles, conservative ideologies, pro-business Governments promoting less regulation, high interest rate, low taxes, in which the rich got richer on a crest of debt and speculation.

* (1630)

It almost sounds like a description of the 1990s. Now, what I want to ask you: A Constitution reflects the attitudes of the people. Let us negotiate with Quebec. Let us negotiate. I wanted to do that for years. Let us lay our six conditions on the table. What are they? Well, why do we want to let Quebec go if they must? What is Quebec's benefit to Canada? They were one of the most ardent advocates of selling our country to the United States free trade.

Bourassa and Reisman are very anxious to export Canada's water to the United States, which will destroy our nation environmentally and destroy our climate and our soil. They want to weaken Canada's national Government, which has been a goal of George Bush in every country in the world that he has taken over. Countries all over the world, the minorities are asking for the right to have some power within their country. The Tamils, the Bretons, the Basques, they were all asking for these rights. Seventy percent of the wars in the world today are over countries trying to prevent their aboriginal people having more rights within their country to run their lives and have a small modest share of the profits and wealth in the country.

Is it not funny that the two-faced hypocrites in the Government of Quebec, and the people of Quebec, are demanding of Canada exactly what they are refusing to give their Native people in Quebec, exactly the aboriginal rights, the self-determination, control of their destiny, a fair share of the wealth, a fair share of the power, control of policies? That is what they have refused, for 200 years, to give to their Native people, and they refuse now.

So I say, let us bargain with Quebec. I want, first of all, a land corridor to the Maritimes. A friend of mine said: For heaven's sake, get an air corridor to the Maritimes over Quebec. Certainly we want separate currency, a separate tariff structure. Certainly we could give them least-favoured nation policy. They must give back the Ungava territory they got, assuming they were going to be part of Canada, the huge chunk of land that they were given, the second-largest chunk of land, bigger than most provinces in Canada. They have broken every one of the legal treaty obligations the federal Government put on them to negotiate with the aboriginal people before they touched any of the land the aboriginal people were living, hunting and trapping on. The Quebec Government has broken all of those laws.

We have Max Yalden, and I phoned to congratulate him. He said the Indian Act is illegal, immoral and an obscenity on the face of the Earth, not exactly in those words, but that is a close enough description. Philip Fontaine has given me a copy of the seven-page paper that George Erasmus wrote on something called fiduciary. I am not used to these fancy terms. It is like having siblings in your family. Fiduciary is supposed to mean that you act on behalf of, as a legal guardian, as a trusted associate, as a trusted advocate, as a kind and generous parent. That is what the law said in the Indian Affairs Act, and for 80 years they have behaved brutally, aggressively, cruelly, authoritatively. In every single way, they have behaved as brutal racists, exactly the same as the guardians of the concentration camps that the Nazis set up for the Jews. Is it not cute that the South African Government copied their black reserves that they put on? The brutal black reserves that have been so cruel to the Native people in segregation are copied exactly after our Indian reserve system, which Louis Stevenson knew.

Now they are thinking of passing a law in South Africa that is going to cut out all those racial laws, and what does Tom Siddon say? I will negotiate with the Indians from a position of strength. I will negotiate only with tame Indians. I will only negotiate with the municipal council Indians, Ellen Gabriel and the women who stood up bravely for human rights in Canada, the Mohawk people, the warriors, who were under the control of their women, standing on their own land fighting for human rights in Canada while Bourassa and Mulroney laughed for five months and waited till hate built up, waited till they could get riots on the media, probably organized by off-duty policemen and the Ku Klux Klan.

Now we are going to have a negotiation with tame Indians, not with the long house and the aboriginal leaders, which the people are demanding as their true representatives, regardless of what Sidney Green says. He was going to have 100 of the best, most

brave, courageous and intelligent leaders in the Indian movement, who stood up against the Canadian army, law-breaking federal and provincial Governments, and asked for their own rights on their own land. For four months they were ignored and laughed at, but a year before the Government of Quebec had a report saying these issues should be dealt with. That is why this is so relevant. It is exactly the same.

Now what happens? There is going to be a whole year of prosecutions of 100 of the poorest people in the country who stood up in Canada, fought for human rights, and one lousy cop was killed; one lousy cop of the French cavalry charging in on the women and children. They deliberately sprinkled women and children in among the warriors. The women and children stood there willingly, voluntarily. They stood for four months asking for attention to have their issues addressed. How is that good enough? Is that good enough in the world's greatest democracy? You all ask in this meeting, what are you talking about? They are asking for rights.

If they think Quebec wants to come in and have a separate country. They take their share of the national debt. They give us back the air defence centre, the space centre. They give us back the CNR depot that was moved there, the TransCanada depot that was moved from here, but let us look at something else.

The University of Winnipeg newspaper, the Uniter, has a one-page, front-page, story on Chief Seattle, the most eloquent speaker of the aboriginal people. In 1850 he made a speech forecasting everything about our industrial system. He forecast everything about our industrial system. Are you reading and learning from these things? Are you reading these books? Have you read Drumbeat, published a year ago, by Georges Erasmus and the Assembly of First Nations, the people's request for justice, the story of Chief Billy Daniels who fought for 20 years for his Native people?

Here is a list of rights the aboriginal people want: The recognition of aboriginal peoples as a fundamental and original characteristic of Canada, one of the two founding races; the recognition of aboriginal people of distinct societies with protection for aboriginal languages—and Quebec separates, there must be a strong written guarantee, absolute guarantee of protection for the English language most of the Native people use in Quebec, and their right to use it in all spheres; the right of self-government.

First of all, before Quebec, before we even talk to Quebec about separation, they have to satisfy the complaints of their Native people, and when all the treaties of the aboriginal people are settled up in Quebec, then we will talk to the new Government of Quebec about aboriginal rights.

Let me read you a tiny thing, just to give a perspective. I have only got 10 minutes more and I am going to try and do this—

Mr. Chairman: Sir, actually you have about three minutes more. That first bell indicated that you had five minutes left.

Mr. Emberley: How come Sidney Green got 45 minutes? Was he more intelligent than the rest of us?

Mr. Chairman: No, Sidney Green did not get 45 minutes, sir.

Mr. Emberley: I watched him for 35 minutes, and I thought he had been on before I came in.

Mr. Chairman: No, the bell was rung at 20 minutes and he was given time to finish off at that point. He may have taken another 90 seconds or two minutes.

Mr. Emberley: No, he talked on and on for much more than half an hour.

Some four months after the Oka crisis officially ended with the warriors and their supporters walking out of the treatment centre, survey lines were cut through the Oka forest where the Quebec Provincial Police had been patrolling. For the first time in 10 years, motorists were harassed repeatedly. There had not been this harassment present in the community since a man was chased for speeding and gunned down by the police in front of his family 10 years ago.

The Surete, the Quebec cavalry, stopped one particular motorist for reckless driving. He was drinking coffee while at the wheel of his car. Tensions rose to a head when a truck from the community carrying a load of firewood was chased for not having an orange flag hanging from the back of the truck. He pulled into the lumber yard, and immediately a large number of police cars arrived.

The Native people went to the defense of their people on their own land. It is their own Mohawk land. It has never been seeded. Treaties were seeded with the Native people as a right under both the French and English rules of the King of France and the Kind of England which govern the Constitution of Canada. They were on their own land and the French cavalry charged onto their own land with a huge show of

force. Eight armed policemen from four cruiser cars after one poor little guy in a lumber truck hauling some fuel wood. The Native people came out with two-by-fours and clubs and chased the police away. Very luckily though the police came back, 50 provincial police with full riot gear came back and a war took place, all illegally on the Indian land.

I want to give you a tiny other quotation. This is from the People's History of the United States, 500 years of armed warfare by the Government killing Indians. When Christopher Columbus first came to one island, there were 250,000 people on the island. Seven years later, warfare and slavery, when Christopher Columbus said, the people, you would not believe how peaceful they are. They are so naive and so free with their possessions that no one who has not witnessed them would believe it.

When you ask for something they never say no. To the contrary, they offer to share with everyone. He concluded his report asking for help from their Majesties so he could bring gold and slaves. The population of 250,000 Indians was reduced to 3,000 in eight years of slavery and warfare and it has continued ever since. That is why we ask you. There is a story here, Thought Control and Democratic Societies by the Massey Lectures on CBC. We do not know the history of our country. We do not know anything about the history of our country.

* (1640)

There is a new book here I just bought yesterday, $40 worth of books yesterday, Facing West: The Metaphysics of Indian Hating and Empire-Building, 400 years of warfare and racism in North America. It is the most basic ingredient in the culture. You use it against Vietnamese gooks, you use it against blacks. The FBI just finished a 20-year war against the black people and against the Indians. It is documented in book form. Martin Luther King was killed with the co-operation of the police, both the local police and the FBI. It is all documented in book form. George Bush killed 4,000 people in Panama. The President of the Panama Human Rights Commission came to New York City and told about the slaughter of over 2,000 people in one small community in Panama by the 82nd Airborne. The Red Cross were not allowed even to go in and pick up the bodies after, and they pretend that there were 200 killed. That is the same George Bush who is leading us against the heathen.

Now I ask you folks, if we are going to live in what we call a Christian capitalist democracy, it is not good enough to talk about what you are going to do for the rich people in the country. First of all, before anything else goes in the Constitution, what happens to the poorest people in the country comes first.

Look at the men making $200,000 and $300,000 a year on $60,000 and $80,000 a year pensions from the House of Commons. Look at the greedy, probably the 11 greediest men in the country are provincial Premiers for power and for wealth for their businessmen. What about the people? As many people have said here, a referendum before you make any changes in our Constitution. Let us have an independent country that can govern, and maybe 60 percent or 70 percent of the wealth in the country and the power can be used to benefit the million unemployed and the 5 million or 10 million poor, and not only concerned with the earls, the dukes and the barons.

That is what I beg of you to consider, and it cannot be done unless you have a whole series of years of workshops where the truth gets out and our young school children can learn all the stuff that is censored out of their school books.

Thank you, Mr. Chairman, I am sorry I overstayed my welcome.

Mr. Chairman: Thank you. Any questions? Thank you again, Mr. Emberley.

Mr. Len Sawatsky. Good day, sir. We have your written brief, thank you.

Mr. Len Sawatsky (Private Citizen): Good afternoon, Mr. Chairperson and Members of the task force. For you, Mr. Chairperson, and I think for maybe one or two others, it is the second time around here. I appreciate your patience.

A nation consists of four distinct elements. A body of people, a territory in which they live, a sufficient conscientiousness of unity, and a Government that is peculiar to their needs. Canada has a body of people, we have a territory and we have a distinct form of Government. The question every Canadian is asking is whether we have sufficient unity in order to continue as one nation. In my view, this essential characteristic of nationhood is lacking in Canada, and we can no longer call ourselves a nation in the true sense of that word.

If you accept this view, I suppose the typical reaction might be to throw up one's hands in despair and give up. That is not my intent in this submission. I understand that the purpose of this task force is to hear some positive proposals for constitutional

reform, some specific recommendations about the future of Canada in which all of us, as Manitobans, wish to live.

What I wish to do in my presentation is just to step back though a little bit from that—others will, of course, give more specific proposals and I have one or two—but provide some analysis of some of the forces that have undermined whatever consciousness of unity may have existed in this county and based on this on analysis, I want to identify some principles or priorities which I believe are fundamental to any attempt to rebuild a sense of unity sufficient to call ourselves a nation.

One of the most powerful forces of disintegration in our country is not politics or ideology, as many people would say, but rather the dominant interests of the multinational corporations—and before you think this is just more rhetoric, please, I ask for your attention on this. What we are witnessing in Canada is an unprecedented attack on the whole notion of statehood and of democracy. In fact the term "multinational" is becoming obsolete. The agenda of the dominant interests in the business community have become so powerful and so supreme that certain economists have had to coin a new term, that being "transnational corporations." This refers to corporations that transcend the notion of statehood and sovereignty inherent in a state or a nation. They tell the Government what to do. In other words, what is best for big business is best for the country, and we are not subject to your laws because we are across all sorts of countries so we do not have to obey these laws.

You may well ask then why most big corporations represented in the Business Council on National Issues were in favour of the Meech Lake Accord. As I pointed out in the previous Manitoba Task Force hearings on Meech Lake, Volume 11, page 513, the accord represented a significant undermining of the powers of the federal Government. Under the guise of keeping Quebec in the Constitution, which in itself is a very laudable and very worthwhile pursuit, the very notion of statehood was being attacked in this accord. The dominant interests in the BCNI knew this and saw it as an opportunity to further consolidate their power beyond what the Free Trade Agreement gave them and what tax loopholes of successive federal Governments have given them.

Privatization, deregulation, level playing fields, downloading of Government responsibilities, corporate tax breaks, all of these things diminish the federal Government's capacity to be a cohesive influence.

Now I know that some of you may disagree ideologically, but that is not what the problem is here in this country. Good, vibrant ideological debate is good for the country. I believe that kind of ideology is disappearing. All Parties should strengthen their basic fundamental principles and argue them in respectful debate with other Parties. So that—you might disagree with this—is okay. That is not our problem in Canada.

I am not against some realignment either of federal-provincial powers. In fact, changing times have made certain reforms long overdue. Absolutely nothing should erode the national Government's ability to set and enforce national standards to ensure universal accessibility to social programs and essential services, establish regional equity and overall direction of the economy and maintain and enhance consistent application of human rights, justice and equality. That the federal Government must do and nothing must erode that. The paramount question for me is the Government's capacity to do this in all essential areas of human activity, not simply which areas should go to federal or which areas should go to provincial levels of Government.

By exercising this power, the Government can act as a cohesive force in this nation. It can help build and maintain the unity that we all long for. An aboriginal person having the same access to essential services in the North and protection of human rights as well, just the same as an Anglo-Saxon Torontonian, builds the kind of collectivity that we require in order to be a nation. Just as important is the fact that enhancing federal powers, along with appropriate checks and balances, allows us, as ordinary voting citizens, to have a say in the direction of the country. By moving these powers out of the realm of democratic control or universal application, we are merely serving the interests of the powerful elite. We should not need to be reminded that the internal decision-making structures of these major corporations are not based on democratic principles. They are based on divide-and-conquer methods, on competitive greed and monopolization.

* (1650)

Another factor that has undermined the unity, trust and confidence among Canadians is the shameful treatment of aboriginal peoples. As long as our language, our policies and our laws ignore, alienate

or deliberately trample on their rights as first nations, we are never going to find the unity we desire in this country. For example, making reference to two founding nations in Canada or not acknowledging the original inhabitants of this country as a distinct society is nothing other than racism. The policies of successive federal Governments which discourage local economic development and enforce welfare dependency of aboriginal people upon white Government is akin to apartheid. Not acknowledging treaty rights and the capacity of aboriginal peoples to govern themselves is totally and completely inexcusable.

We can only be thankful for the leadership of the Assembly of Manitoba Chiefs and the courage of Elijah Harper for not allowing the travesty of the Meech Lake Accord to be established in our Constitution. I believe aboriginal peoples and their distinct world views and perspectives have a lot to teach us about nationhood. Some of you know I have worked side by side with them, and I have learned an awful lot about them. I am learning more, developing better and more holistic world views as I do so.

I am not here to speak though on their behalf but to encourage us all to listen to what they have to say and to work together with them in establishing a nation in which we can all be proud to live. A good beginning, a very good beginning, would be to recognize in our Constitution that aboriginal peoples are a fundamental characteristic of Canada.

These comments may beg the question whether I would also support constitutional recognition of Quebec as a distinct society. The answer is yes, I would, but with three very essential qualifications.

First, the distinctiveness or uniqueness of the culture and heritage of French-speaking Canadians is no match to that of aboriginal cultures and heritage. They may not like to hear someone say that but that is the case. Nevertheless, I do support some constitutional recognition of uniqueness for French-speaking Canadians. I do so, not only because they have a unique heritage as do other immigrant groups, not only because they played a significant role in developing this country as have some still other immigrant groups over the last century and a half, but because this was a promise that was made at a particular historical juncture which had the effect of ending the fighting between early English and French settlers. It was a mediation thing in a sense. It was not accomplished by mediation but they made an agreement. I as a Canadian want to honour that agreement.

I am sorry for the people who do not recognize that this is part of our history. My parents also immigrated to this country or my grandparents, I should say, but I was taught Canadian history, and this is part of the reality of this country and I need to accept that.

Secondly, aboriginal societies generally do not include other ethnic minorities as is the case in the province of Quebec. I will leave that as that.

Thirdly, and indirectly related to that, is that the Charter of Rights—these are in terms of qualifications to distinct society—without any notwithstanding clauses should apply to every region, province, territory and person in Canada. There should be no exceptions made with respect to freedom of association, race, colour, creed, gender and all the other rights that we have placed in our laws. If distinct society means that aboriginal people are not recognized as a fundamental characteristic of Canada, and the treaties are not honoured, then I will work actively against any such designation for Quebec or anyone else for that matter.

The events of this past summer around Oka have made me doubly cautious about the use of the term "distinct society" as has Premier Bourassa's comments in French when all the Premiers gave their responses at the end of that long seven-day supper meeting. In the same token, however, if women are not considered equal in aboriginal self-government, then I would be opposed to any special recognition that limits such an application of the Charter of Rights. I do not think any group needs to be favoured here.

Still another factor that undermines a consciousness of unity in this country is that most ordinary citizens are feeling increasingly out of control and as a consequence increasing cynical about the political process. I have talked to people too, as all of you have as well, door to door. You know what I am speaking of. People believe that their vote does not count, that all politicians are the same, that no one really listens and that they do not have a choice.

I cannot tell you how dangerous a situation I believe this is for this country. It is the thing that concerns me most in terms of political issues. I believe there needs to be a vigorous effort, a concerted effort on the part of all political Parties and political institutions to address this malaise as a top priority concern. I believe this cynicism is a sign that our democratic process has been seriously eroded. What needs to

happen is people need to be empowered and engaged as active and responsible participants. Not everyone can come before this august body and make their voices heard.

One suggestion I have to make in this regard is that any future constitutional changes be focused on developing greater opportunity for local citizens to participate in the immediate issues that affect them. The primary level of the political decision-making process should be the local neighbourhood, then a group of neighbourhoods, then a town, a city or municipality, then the province, the region and finally the country. Each level of decision-making should somehow be held accountable to the next more local level.

I believe it is sort of a bottom-up kind of world view here that I am presenting. I believe we must totally rethink our notions and practices of democracy so every individual and local unit is fairly considered. I say this keeping in mind what I said earlier about a strong role for the federal Government. My suggestion should be interpreted in the context of the scope of decision making without qualifying the fundamental framework in which those decisions are made, as I outlined in the second or third paragraph.

I do not have the time to elaborate on this proposal for constitutional reform at this time, nor do I think it is appropriate necessarily to do so in this forum. I would strongly recommend that this idea be examined more thoroughly and a model be developed whereby participatory democracy would be encouraged. Part of that for me means the abolishment of the Senate.

What I have in mind as kind of a new idea is sort of a regional assembly. Every region in the country would have an assembly that would have teeth, that would maybe spend half their time in the region and the other half of their time in Ottawa making sure the federal Government lives up to its responsibilities and construes its basic framework within the context of the regional issues that they communicate to them.

Despite Canada's reputation as a mosaic and as having greater sensitivity to collectivities, in actual fact, I think we are a bunch of disparate parts. In order for us to act as an organic whole, there must be a pattern which has a purpose and a direction, and each part must know where it fits. I think regional assemblies might be a step in that direction.

In conclusion, I wish to identify some of the principles upon which constitutional reform should be based. The Constitution cannot create a unique identity for us as Canadians, but the changes that I hope for should at least nourish an identity that is unique, something we all share in common.

* (1700)

The Constitution must also encourage the development of relationships among ordinary Canadians in different regions. We must have a variety of social programs to which all Canadians in every region are entitled. Canada should take great strides to redevelop its contributions as global domestic peacekeepers trained primarily in conflict resolution and mediation, not in bearing arms. I think that should be in the Constitution. They should also be trained to respond to environmental or other natural disasters, major accidents and domestic concerns in a non-violent nature.

The Constitution, I believe, should outlaw the use of military for international conflicts. The Constitution should encourage diversity in the context of a common direction and framework. I believe all cultural groupings should be affirmed and encouraged to contribute to that direction out of their own unique world views. I believe the Constitution should establish a co-operative society and put restrictions on the competitive spirit. I believe that conflict resolution does not necessarily mean compromise, taking the middle road and simply tolerating a situation in the negative, pejorative sense of that word "tolerating." If such structures are created in our founding documents, real trust and confidence can be established between the peoples of this country. As Dennis Smith, a social analyst, said after the October crisis: If trust and confidence disappear, then truly our hearts bleed in vain and so will Canada.

You may see this as a wish list, as a dream list maybe to some of you, but I believe it is important for us to have high goals and high ideals for which we all strive. Such goals should be reflected in our Constitution.

Thank you very much.

Mr. Chairman: Thank you, Mr. Sawatsky. There are some questions for you, sir. We will start with questions from Ms. Friesen, followed by Mrs. McIntosh and then from Mr. Carr.

Ms. Friesen: I wanted to ask you about the participatory democracy. You said you had some further ideas on that, and I wondered also if you had some models or perhaps some articles that you could

direct us to whereby we might further examine those kinds of ideas in a regional or a national context.

Mr. Sawatsky: I am going to take that partly as notice and submit those articles to you, maybe a very brief bibliography, but there is one kind of strange book that I am going to mention. It is really for architects. It is called Pattern Language. It does not say very much about this particular topic. It has an awful lot to say about the kinds of place in which we live, from the region to the city to the neighbourhood to our houses to our rooms and to even our private, quiet places, secret places. It goes right down to that, and I think it is a fascinating book. It comes out of the Oregon experiment around Portland.

Usually builders and people interested in housing design are interested in this, but it is more far ranging than just building design and talks about the kind of maximum region in which we could live. They suggest 2 million to 10 million people is the maximum that should be the population of any state that wants to really be on a human scale. There are other articles on participatory democracy that I think would be helpful, and I would be happy to submit them.

Ms. Friesen: Similarly for the co-operative society that you suggested should be embedded in the Constitution.

Mr. Sawatsky: Yes.

Ms. Friesen: How are you thinking of that? In terms of a preamble, in terms of an ideal, or are you looking at more specific structures that should be incorporated?

Mr. Sawatsky: Well, first of all, as a guiding principle, I would like to see us move towards that. I think we have been trained and taught so differently in our country that I think this is a long-range kind of suggestion. Before we can live in a co-operative society, we need to learn how to deal with conflict, other than punching somebody in the mouth, or shooting them down with a gun, or the kind of manipulation that went on by Mr. Mulroney in the Meech Lake Accord.

That is the kind of destructive behaviour that should have no place in this country, but people need to be trained, not only by structures, living in appropriate structures that encourage that, but also in terms of attitudes, values and outlook on life. It affects so many areas, Ms. Friesen, for instance, TV and how that right away orientates us and socializes us towards conflict. I mean, some of you are different political stripe. Should I consider you as my enemy or as another human being with whom I might be able to co-operate and do some creative things with in society? We can still have our differences. I think that is a much more healthier approach, but that is an attitudinal thing, too.

Mrs. McIntosh: Mr. Sawatsky, there are a couple of statements in your brief that appear to be a little conflicting to me, and I am wondering if you could clarify for me. I am a little confused as to what you mean by support for self-governance for our aboriginal peoples. You have a couple of statements here—one you have said that it would be inexcusable not to let our aboriginal people govern themselves, which is fairly clear, but then you go on to say that you would be opposed to specific self-governance decisions if, in your opinion, they went against the Charter of Rights.

I am wondering if you could clarify, does this mean then that your support for Native self-governance would depend upon the definition of self-governance once the rules were put in place? Is your support for self-governance conditional or unconditional depending upon what it actually means once it is defined and the rules laid down?

Mr. Sawatsky: Everything is really conditional. On a school board level, you may decide whether the superintendent should get $93,000 or $85,000.00. I think that is self-government. If you decide that the $93,000 goes to the male and $85,000 goes to the female, and they are doing the same thing or at the same level, then I think the Charter of Rights has to intervene in this situation, and the decision-makers need to be held accountable. You can still make decisions about whether you close this school or open that one or what the maximum teacher-student ratio is and that kind of thing. That is self-governance.

Mrs. McIntosh: Would it be fair then to say that you would support self-governance provided it did not violate the Charter of Rights?

Mr. Sawatsky: Certainly. That was my point with Quebec and I would apply the same standard to aboriginal people. I mean, there are certain rights we all hold common and dear in this country, and they should not be violated with by anybody.

Mrs. McIntosh: Thank you for the clarification.

Mr. Carr: Mr. Chairman, I have just two relatively short questions. You talk in your presentation about regional assemblies. Can you just give us some sense of how they would be composed? Are these elected people, appointed people? What is their mandate? Do they have any constitutional authority?

If you could just give us a very brief outline of what you mean.

Mr. Sawatsky: Mr. Carr, I have not given the kind of attention this topic deserves in terms of research and a bit more creative thinking. I would be very interested to be part of a think tank or a task force even that would look at this, study it and hear from different people, but, you know, I had even given some thought, maybe the regional assembly should be voided of political Parties.

* (1710)

You know, I have certain ideological commitments myself, and yet I am entertaining the idea of a regional assembly person not necessarily being aligned. They would still have political perspectives. You cannot be human if you do not. How much teeth they would have, would they be civil servants, what would be the kind of accountability to the federal Government and to the provincial Governments within the region have to be worked out, but what I do believe is that they should be accessible to the people.

They should be spending maybe half their time listening to the what the people in the region have to say and to the Governments and to the municipalities, instead of our First Ministers going over to Ottawa to decide on constitutional issues which the ordinary citizen and voter did not vote them to do.

I mean, some of the issues in the last election had to do with deficit and economy and so on. Well, maybe I voted on the basis of that as opposed to what Premier Filmon thinks about the Meech Lake Accord, so why should he be representing something he has not really been running for?

Mr. Carr: My second question is much different and related to one of your final observations and something that we have not yet heard. It may seem off topic but it is not because you suggest it as a constitutional change, and that is that there be the outlaw of the use of military for international conflicts.

Do you mean that if Canada were to be invaded by an international power that our Constitution would not allow us to defend ourselves, or do you mean that Canada could not participate in any war offshore, or what exactly do you mean and, retroactively, would that mean that Canada would not have participated in the war against Hitler, for example?

Mr. Sawatsky: I was not alive then. I have been alive during the Gulf War, although sometimes I wish I could switch it off. The United Nations is an organization that was created in order for us to peaceably work out our differences and to sometimes, maybe, engage in some police action.

What has happened in the United Nations, however, unfortunately since the Second World War, is that it has been taken over, especially—we have seen that clearly—by the United States. This is not a United Nations war, this is a U.S. war. One dominant power took over something that was designed for peaceful mechanisms. It should not have been allowed and would not have been allowed had they called the General Assembly together, and everybody would have had a vote on it.

My comments also, you have to take into consideration, or the context of, if we did this in every region, if this also happened in the United States so that regions more on a human scale were to be sitting in the United Nations, we might have a different kind of scenario than what we have today where one big power takes it all over.

Mr. Chairman: Thanks very much, Mr. Sawatsky.

Mr. Sawatsky: Thank you.

Mr. Chairman: Feel free to send us supplementary material, by the way. You were asked about some further reading we might do. We would be pleased to receive that from you. Thank you.

We are running a bit overtime, ladies and gentlemen, but I would like to accommodate two presenters who remain for this afternoon's session. The first is Mr. McColm. Is he here—Mr. McColm? No. The next is Mr. Kirkcaldy.

Mr. Dave Kirkcaldy (Private Citizen): We are running a bit late and I am not going to be too long, I hope.

I would like to thank you, first of all, for giving this opportunity for average people to come and say what they have to say and things that are bothering them. I have heard on the news how people are saying how this is a waste of money, and I hope that it is not going to be a waste of money. The Government seems to waste a lot of our money, but it is only if Canadians refuse to come here to air their dissatisfactions or to air their feelings of how Canada should be that it will be a waste of money. The more participation that you have here is the better.

I feel that there are fundamental problems in Canada. I have the feeling that it is based in history, where there was an Upper and Lower Canada. When they brought Canada all together, there was really no provisions for the rest of the country in the western

regions for when we finally grew up and started to have some sort of political will of our own.

The power in federal politics rests in the East. It is nothing new to western Canadians at any rate. If you get the seats in Quebec, or some in Ontario and all of Quebec, then you have the power of the federal Government, there is no question about that. Because of that, I guess that I would like to see a constitutional debate with a new Constitution. The delegates—you know, it should not be something like with Meech Lake, where it was just the Premiers. I think there should be people delegated to go there who should represent all Canadians. That would be all the Parties, the Opposition Parties from each province, as well as perhaps university professors in history and political philosophy, people from the women's movements, people from aboriginal, the whole bit, basically because it is something that has to have representation from everybody.

The thing is that I would like to see it almost a closed-door sort of meeting without as much political grandstanding as there sometimes seems to be with these sorts of debates. Right now we have this deadline from Quebec of 18 months before they will be having their own referendum about separating. In the United States, when they had the constitutional congress they spent over a year debating each and every line of their Constitution. Yet, this is a country that we look upon as being bloodthirsty and violent, and their entire history is awash in blood. We have a country which is based on conciliation and talking over things, and to be given a deadline to say it has to be done by a certain amount of time, I do not see that that is going to actually come out with a Constitution that is effective. It has to be done right the first time so that we will not have the problem that we have had over this past 100 years of always having these things going on.

What I would like to see is representation by population certainly; everyone has a vote and that should count. Here, in the Maritimes and in the West, we have these regional difficulties happening, so what I think they should do is have a check through the House of Commons. By that I mean we should maybe get rid of the existing Senate and put up another Senate or another regional—whatever you want to call it—but it should be elected. It should only be perhaps 10 per province, five for the territories, and it should work in the following way: The House of Commons passes a Bill; it is sent to the Senate; the Senate decides that they do not want the Bill. It would then go back to the House of Commons, and the House of Commons could then override the Senate by passing the Bill again, but instead of with the 60 percent vote, or whatever it is in the first place, they would then have to override it with the 75 percent vote. In that way the Senate or region, whatever you want to call it, would at least be able to say, you know we tried to protect what we felt were regional problems, but the majority of Canadians represented by the House of Commons have agreed that this Bill should pass.

This would kind of give some sort of accountability to the Government. We have heard of the CF-18 thing and all these. I am sure every province has some argument and some animosity toward Quebec or Ontario for having stolen something from them and, again, it is probably well founded. This would at least give an opportunity to have some sort of guidelines or some sort of power in there to say this is wrong.

Basically, I think in the Constitution I would like to see, I suppose, provinces control their own language. It is not really something I would like to see, but it is happening with Quebec. There is not very much—we can possibly go back and try to turn back the pages of history and say, well, no, you know we are just going to be English and that is it. It is going to be happening, and it has happened already.

* (1720)

If they wish to have French as a language in Quebec, that is fine. It should also mean, though, that the rest of us should be able to say, well, we do not need to be speaking French. I guess I am, I suppose, anti-bilingual in this way, but the bilingual thing basically let Quebec stretch from sea to sea.

I mean here in Manitoba we have the largest French population outside of Quebec, and yet they are still only ranked fourth, I believe, in the province. I mean there are more Ukrainian speakers than there are French. In Saskatchewan and Alberta and wherever else, it is even less than that. The cost of the bilingual thing, which has been to accommodate French or to accommodate Quebec, would probably have wiped out the deficit by now. Everything is duplicated. It is foolishness.

If each province had its own rightful language, then it could decide what it wants to do for a second language. There would then be no problem as far as, you know, that everyone has to learn a certain language.

Canada at the moment is no longer made up of French and English like it was 100 years ago, when it was just the imperial powers of France and England. Our immigration is coming from Third World countries. We have just as many people coming here who speak Korean or Vietnamese or Tagalog than we have any other. To say that you have to learn either French, not even "or," French "and" English before you can enter politics on a federal level means that anybody who comes from any other country, naturalizing their children, is kind of effectively stopped from participating in Government. They not only have to, you know, with their own mother tongue, but to become a power or to come into federal politics, you have to understand French as well. This has come down to provincial politics. If you do not understand French and are not fluent in French, then there is no hope for you. You cannot be backed.

I think also that the Canadian Charter of Rights should be included. There should be specific rights for the Indians. I have heard here this afternoon all sorts of presentations on this. I think that most Canadians feel that the Indians have certainly received a bad shake here. I know for myself the day that I watched on Newsworld where the military rolled into Oka, that was the most—that was the day I became ashamed to be a Canadian. I have never been ashamed to be a Canadian until I saw that moment. I think that the Native rights should certainly have something in the Constitution. I have heard a lot of things today about the self-government and a number of other things and there should be a provision in there for that.

I would like to see a statement on what it is to be a Canadian. If you watch—how can you help but not watch—American television and you see them standing up and saying their pledge of allegiance. It brings a tear to my eye to see people that are that proud, to be able to stand up and say something. I would like to see something in there, a statement 25 words or less that kind of is the philosophy of what it is for us to be a Canadian, whether we believe in humanitarian causes or that we are going for world peace, just something so that we can say, hey, I am a Canadian, so what does it mean? Well, here it is. It is not like, you know, well, I think it means that I have a vote or I think it means that. It is something you can say in a group that, yes, this is what we are, this is who we are, this is what we want to be, that can kind of give the philosophy as to what a Canadian is.

This is like one of the—in fact, as far as I am concerned, this is the greatest nation on the planet. We live in a country that is 95 percent tundra, we have lousy weather, there are only 26 million of us, and yet we are one of the most respected nations in the world. We are part of the top seven industrial nations. We have lots to be proud of, and yet there is only a small number of us. Every other country that is in any sort of—you know, they have 200 million minimum. We have a tenth of the population and yet we have the best health care. I cannot say enough about how great Canada really is. Perhaps we do not realize it because we are so smug about it, I do not know.

At the moment though, we are coming into a—with Quebec, this is possibly the break-up of Canada. I personally feel that Quebec is going to go. I feel that way mainly because I have seen it happening over the past few months and few years and now we are getting a deadline saying that in 18 months it is all over basically. I do not like the idea. I would like to accommodate them. I would like them to stay in Canada, but at the same time I do not know whether Canada can offer the things that they want and still stay together. The things that they want, they say that they would not be opposed to any other province having the same things. Well, the idea of, for example, controlling the central bank rate, I mean, how can any single province try to control the central bank rate? It is supposed to be something for the entire country. It sets interest rates across the country. You cannot have a single province doing that. It would just be ridiculous.

The same thing with the right for taxes and for spending. If every province was to be able to take over the lion's share of what is now the federal Government's responsibility in taxes, we could find that our transportation, communication, hydro lines, pipelines, everything could be taxed as it went across each border at the whims of the province because it is angry about something that happened 10 years ago to another province. It would be chaotic.

The environment—we would have the Third World provinces, which are basically those that are at the moment the poorer provinces, being forced to take plants or factories or whatever that would be high polluters, realizing that they have no other choice because there is no environmental policy that governs the entire country.

I feel that Quebec's deadline is kind of a rubber stamp. I would like to see them stay, as I say. The thing is, for us to remain together as a country we are

going to need a lot of talk and conciliation and compromise that brought this country together in the first place. Unfortunately, I think Quebec is going to be the one that is going to have to give up the most on the federal level to really make the country strong again.

I would like to see a strong federal Government. Also, though, I get the feeling that Quebec will be leaving. I am hoping that if they do go the politicians that are elected already from Quebec will be out immediately, including the guy from Baie-Comeau because, who is going to sit across the table and negotiate for us?

For that reason, we should I think in Manitoba have a referendum. We should find out what it is we would like to have in this Constitution and get it together so when that time comes we can have something to work with.

Even if Quebec stays, we still should have something, a new Constitution to change the situation that we have now, because it is not equitable. It is not fair to the other regions. There has to be something better that we can do.

Thank you very much.

Mr. Chairman: Thank you, sir. Any questions?

Mr. Chomiak: I just have a quick question. It is a difficult one, I realize. Because you were so articulate in your presentation, you may not be able to answer it off the cuff, but I think maybe other Members of the task force would appreciate a response in writing.

You said in the Constitution you would define in 25 words or less what it is to be a Canadian.

Mr. Kirkcaldy: Yes.

Mr. Chomiak: Do you have a sense of that? Can you give me a sense of how you—

Mr. Kirkcaldy: You know, I have been thinking about that for the last few days. I found out that you are in Flin Flon on Thursday, and last night I discovered you were coming here today. I went, well, the things I would like to see in a Constitution, I am not sure.

* (1730)

I will be frank with you. I have not had that many hours to consider it at the moment, but I would like to see something, as I say, just something that we could say it is a philosophy that we are really working for the betterment of everyone, the equality of all Canadians. I suppose it is those highfalutin words that kind of make you smile because they are so corny, but you know really that is what I think is needed. It would, perhaps, kind of take away that sense at the moment of people being French-Canadian or Italian-Canadian.

So many times when you are at work people say to you, oh yeah, well, what are you? You say, I am a Canadian. They go, well, what are you really? That is the sort of thing I think could possibly be done away with, some sort of vehicle like that. Just say, I am a Canadian because this is what it is.

Mr. Chairman: You might want to try your hand and if you have a moment or two and you can put something down, we would be really delighted if you would send it to us. Our address is inside the pamphlet.

Mr. Kirkcaldy: Yes, I have it there, and I was thinking I will have to try and get a written presentation. I was ashamed to try and let you decipher my writing up there.

Mr. Chairman: Do not worry about the written presentations, sir, because it is all recorded. You were very clear on what you had to say, but if you have any thoughts on the 25 words or less or even if it becomes 40 words or less, whatever, we would be glad to have you send it to us. Mrs. McIntosh?

Mrs. McIntosh: It is picking up on the same point, Mr. Chairman. I am very glad that you have been requested to send in your definition, because I think it will be very helpful for us.

In terms of what you said, would I be correct in assuming that at least one phrase of the Canada clause that comes to mind that says first and foremost we are all Canadians is one point you would support included in that kind of definition?

Mr. Kirkcaldy: Definitely. I think that is the sort of thing—to try and have that unity that we are, in fact, Canadians. What we were before or whatever, it is what we want to be in the future, and we are going to be Canadians first. That, I think, has to be in there.

Mrs. McIntosh: Thank you for your presentation. It was good.

Mr. Kirkcaldy: Okay, thank you.

Mr. Chairman: Thanks again, Mr. Kirkcaldy. I am recalling now as the rules provide, Mr. Craig, Mr. McColm. Any other presenters for this afternoon, sir?

Mr. T. B. Thorvaldson (Private Citizen): You have my written presentation up there. It is very brief. I know the time is late, but I would be very brief.

Mr. Chairman: Why do you not come forward, sir? We would be glad to hear you.

Mr. Thorvaldson: Thank you, Mr. Chairman, and thank you, the task force, for taking this time so late. I believe you have got a copy of my brief.

Mr. Chairman: No, not yet. If you just hang on a moment, sir, please. It seems we are getting it now. Please go ahead.

Mr. Thorvaldson: Yes, thank you.

Well, I did this last night, and I tried to think it out fairly carefully when I did it. On the way down here I asked myself, why am I coming down here? Why am I doing this? One of the reasons I am doing it is because you people are here to give it to, for which I thank you.

The other reason is that my forefathers were pioneers in this country, and I am a very concerned Canadian. I just want to echo the previous man ahead of me, his business about what a Canadian is; I think that is very good.

I am very concerned and I feel that our country is definitely now at a crossroads. The crossroads and the whole trouble is because we have one province in this country which wants to secede. I took a fairly active part in the Meech Lake Accord, and I am glad to see that that was defeated. Now there is the Allaire report, which I think is just an extension of that, only worse. Not only that, there is a time limit involved, about 18 months, and this country is supposed to be all over by that time.

I am one of those people who feel strongly enough about this country that it might just be necessary to do a little fighting to keep it together. It could come to that. This country is going to fall apart if the rest of Canada lets it fall apart. My feeling is that I can understand the reasons why Quebec feels the way it does, but, as far as I am concerned, they are one province in 10 and they are 25 percent of this country. They can vote from now until the cows come home, but that does not mean the rest of Canada has to allow it to happen.

I, therefore, just put down 10 points here—and I will be as quick as possible—which I think must strictly be the most minimum parameters for what I think should be our Canadian Constitution. My son was reading this, and he said: Well, this is all old stuff. Everybody knows this. I said: Yes, but we have to go right back to the beginning and let us spell it out.

In this country, our national anthem is called "O Canada." There are some people in a part of this country who are singing a different song.

Our national flag is the present red maple leaf. Another province—we all know whom we are talking about—flies a blue flag called the "fleur-de-lis." That is their national flag or what they treat it as. To me, that is just an emblem just like our buffalo here. It is just a provincial emblem.

Our national language is English. I had a little trouble with that. Somebody gave me an argument on that and said: No, our country has two national languages of English and French. I said, they have two official languages, but the national language is English, which is the working language of our country. At the same time, of course, each province must also be tolerant and not outlaw the use of any other minority languages.

I cannot for the life of me understand how this country will ever succeed having two national languages. Germany has German; France has French; Spain has Spanish; England and the United States and Canada have English. Of course, this is the real crux of the problem that is bothering Quebec, that they are surrounded by a sea of English in papers and TV and everything else. I feel sorry for them, but that is not the rest of Canada's problem that they feel so insecure that they have become paranoid over losing their French language and culture.

Number five, as far as the Constitution goes, I think—there is one word; it is not carter of rights, it is the Charter of Rights—the Charter of Rights and Freedoms. That must be paramount and treat all Canadians equally but must not be abused simply to escape any legal penalties. I have heard this comes up quite a bit. People go to court and they say, oh, you cannot do anything to me because it affects my Charter of Rights. Well, it is the old saying, you know, you cannot go in a crowded theatre and yell "fire". It does not matter whether you might have the right to do so or not.

Our Senate must be elected, equal and effective. Each province should be represented equally regardless of population, thereby acting as a counterbalance to the House of Commons which is represented by population, and if somebody wants to accuse us of copying the United States, well, so be it. Quite frankly, I think their system works better than ours. I do not think we would have had the GST passed, and I do not think we would have had a lot of other things happen had we had an elected Senate.

The biggest problem with this country, of course, is that we do not have democracy. Our present

Government was elected in '88 with a majority and from there on he just rides roughshod over everybody, over all the wishes of the Canadian people. We have to have a better system of democracy and more referendums and have the people have more to say. How can a country be passing laws against 85 percent of the people? This is not democracy; it is an elected dictatorship that we have.

Point No. 7, our national Supreme Court is presently located in Ottawa, and we all know that. This court must remain as the final court of appeal over all provincial courts. The reason that came to mind is because in this latest Allaire report, Quebec does not want to even respect the Supreme Court of Canada at all.

Number eight, certain powers between provincial and federal Governments should always be negotiable. Now the emphasis there is "certain powers." On this latest Allaire report that came out, Quebec has got things defined as certain powers that they have, certain powers are shared, and certain powers belong to the federal Government. I cannot understand this shared part. I think that is just leading into a can of worms. It seems to me that a power either has to be in the hands of the province or in the hands of the federal Government. I think this shared category is no man's land.

* (1740)

Number nine, provincial powers required to separate from Canada are not negotiable, and I think the Premier of Ontario, Bob Rae said it best. He said, there is nobody to negotiate the break-up of Canada, least of all, Prime Minister Mulroney. I mean, we all know he said, whenever Quebec says jump, he says, how high.

So the point is it is not to be negotiated with the federal Government, the break-up of Canada; that has to be with all the provinces. They have to decide whether they are going to keep this country together or not.

Lastly, I think we need a constitutional committee. I have listed these 10 points as just my idea of what I think the bare-bones, minimum requirements would be.

I think I missed one here. It was No. 4: All provinces must have equal powers. There can be no such thing as any special province, or greater provinces, or lesser provinces, nor can there be any special or distinct societies, or lesser societies. I mean, this just will not wash having a province as Quebec. What would that be, a super province, a special province? Would we be a second-class province in Manitoba? I think I would move out of this country rather than live in a second-class province. The pride and the psyche will just not allow that.

Floor Comment: Where are you going to move?

Mr. Thorvaldson: Well, there is a big country down south that I think if we do not get our country in order we will just all fall in there. I might not have to move; it may just come up and meet me. But I believe this is where this country is: it is at such a crossroads that I cannot see Canada being anything but one country from sea to sea.

I cannot see it consisting as a pie on a table with one big chunk out of it, which is a landlocked province, with Quebec being a landlocked province, with Canada on one side and Canada on the other and something else in between. I think if this ever happens we are destined to this country falling apart, but I am one of those people that say, we do not have to let it fall apart.

I think, finally, that we should have a constitutional committee, a Government agency established in each province so as to make any amendments and correct any violations and force any rules of the Constitution for the provinces and the nation. As far as I can see, the whole reason for any province wanting to separate should be strictly economical. This is the irony of this thing: it is, everybody has agreed, that Quebec would be worse off to separate and the rest of Canada would be that much weaker.

So why do they want to separate? It is not economics; it is all on account of this paranoia, what I call, of this linguistic and the idea of them losing their culture. So back in 1968 the bilingualism program was initiated. To me, that was the biggest mistake that was ever made. It has not solved the problem, and now Quebec is not even talking about that anymore. So all that has done is cost this country millions and millions of dollars, put us into debt, and we certainly would not need a GST right now if we did not have that thing called bilingualism. It is just a waste of time and a waste of money.

So Quebec, I suppose they have the right to have a referendum. You cannot stop them from having a referendum, but whatever the answer is, I think the rest of this country has to have a referendum to counteract their referendum. Then things are going to be decided which way we are going to go. I hope that

this task force will agree that the above should be the absolute minimum requirements for a national Constitution but will also realize that Canadians may have to fight to see these points established, and I am willing to do that. That is why I am here.

Thank you.

Mr. Chairman: Thank you, Mr. Thorvaldson.

Mrs. McIntosh: I just have one very brief question for you. You are a supporter of a Senate that is equal, elected, and effective. I am wondering if you have a number in mind when you say that we should have an equal number of senators from each province. Do you have a number in mind?

Mr. Thorvaldson: I have not given it that much thought, but I had a number of about four from each province.

Mrs. McIntosh: Okay, in that ballpark?

Mr. Thorvaldson: In around there. About 40 senators.

Mrs. McIntosh: Okay. Thank you.

Ms. Friesen: You talked about each province being equal and having equal representation in the Senate. I am wondering how you would present that, for example, to Ontario? What can we say to Ontario to ask them to accept, on equal terms, very small provinces such as Prince Edward Island or Saskatchewan or Manitoba?

Mr. Thorvaldson: Well, yes, Ontario—of course everybody wants representation by population. They are a big province, and they would not want to have only four senators. All I can say is it is a completely different concept. They have representation by population in the House of Commons, but I would only point out the example of the United States where the State of California has two senators and the State of Vermont has two senators, and one state is what, a hundred times more populated than the other? So it is not representation by population but equal representation for each province.

Ms. Friesen: If you were an Ontarian, why would you accept this?

Mr. Thorvaldson: Well, there would be a reluctance, of course. I do not know just how we would get them to accept that. They have to accept the whole concept. That is just the only thing I can say. Individually, the province would want to probably keep a majority of senators, but that is getting back to representation by population again. I can only say it is a different concept.

Mr. Chairman: Thank you very much, Mr. Thorvaldson.

Ladies and gentlemen, it is our intention now to adjourn until 7 p.m. We will be here to receive a number of presenters starting at that hour. I would like to thank you very much for being with us this afternoon and also invite our cable television viewers to rejoin us for further live coverage at 7 p.m. this evening. Good afternoon.

* * *

The hearing took recess at 5:49 p.m.

After Recess

The hearing resumed at 7 p.m.

Mr. Chairman: Good evening, ladies and gentlemen watching Cablevision or Videon. We will be beginning our evening presentations of the Manitoba Constitutional Task Force here live in Room 255 of the Legislative Building in a few minutes.

While we are waiting for the evening proceedings to begin, may I just say, as Chair of the task force, how delighted we are that you have decided to join us this evening.

While we await the first presenter, may I just remind our television audience of future dates in Winnipeg. We will be back on the 7th of February, from 10 in the morning right through the day. That is next week, the 7th. That will be at the Payuk Inter-Tribal Co-operative at 500 Balmoral Street in Winnipeg. It is a special hearing on the 7th, all day, in an aboriginal setting.

On the 8th, we will be starting again at ten o'clock in the morning and running through the whole day in Room 255 of the Legislative Building.

The final planned day of public hearings in Winnipeg is February 9, again running from 10 a.m. until the end of the evening. That again is in Room 255 of the Legislative Building.

Extra hearings will be scheduled if they are required. At this point in time we are planning to have hearings next Thursday the 7th, Friday the 8th and Saturday the 9th. We, of course, would be very pleased to see you join us in person with other good citizens who are here with us this evening.

We also, courtesy of Cablevision and Videon, will be bringing the proceedings from Winnipeg next week again to you live on your community channel.

I will now stop talking for a few minutes while we complete our arrangements for this evening. We will be back with you very soon with our first presentation of this evening. Thank you.

* * *

Ladies and gentlemen, and a warm welcome to you again, those of you who were here with us this afternoon, to our first evening session in Winnipeg and again a special word for our viewers on Cablevision and Videon.

We have a full list of presenters for this evening. The rules are very simple. I will ask you to come forward when your name is called. Please take your place at the presenter's table. You will be allowed up to 20 minutes for your presentation. There will be a single bell ring after 15 minutes, which obviously indicates you have five minutes left. At the end of 20 minutes, there will be a double bell, and we would ask you if you would please draw your remarks to a close at that point.

Then there will be up to a 10-minute period for questions to be asked by the Members of the task force. You will hear a bell ring after the 10 minutes. If we are still in the middle of a question-and-answer session, we will obviously continue until the conclusion so that we get the sense of both the question and the answer.

* (1910)

I would advise you that we have child care facilities. It may not apply to anyone here tonight, but if anybody is listening to us, watching us on television, if you would like to come down and join us, we would be very happy to look after the children.

There is a simultaneous translation from French to English and vice-versa, and we have American Sign Language interpretation which those of us here present can see under way now. Also, there is an individual amplification system for those who need some assistance with hearing.

I would like to introduce with pleasure the Members of the task force who are here with me this evening. On my immediate left is Mr. Paul Edwards, the Liberal Member of the Legislature for St. James; on my right, the far end of the table, Mr. David Chomiak, the New Democratic Member of the Legislature for Kildonan; next to him, the Honourable Jim McCrae, the Conservative Member of the Legislature for Brandon West and Minister of Justice; on my immediate right, Mrs. Shirley Render, the Conservative Member of the Legislature for St. Vital.

We will be joined by others as the evening proceeds, but I would like to not delay us any further and call on our first presenter for this evening, who is Mr. Roger Armbruster.

Good evening, sir. I seem to remember you from Winkler, last time around if I am not mistaken.

Mr. Roger Armbruster (Private Citizen): That is correct.

Mr. Chairman: Good to have you with us again.

Mr. Armbruster: I thank you very much, Mr. Chairman, and it is a very great honour and a privilege for me to be able to speak to you, and through you to the members of this all-Party committee on the future of the Constitution of Canada. Since our last hearings on the Meech Lake Accord, we know that much has happened, and that all Canadians in all regions of Canada are asking where to from here. I thank you for allowing me to be a part of this soul-searching process.

There was a day when every Canadian stood prepared to be convinced of the simple and modest assertion of a former Prime Minister of Canada, Sir Wilfrid Laurier, when he spoke of a Canada that was united in all of its elements, united in every particular, every element cherishing the tradition of its past, and all uniting in cherishing still more for the future. Few today see Canada the way that Sir Wilfrid Laurier saw it earlier this century. Canada today is the approximate opposite of the Laurier dream, and every incident in which he expressed a hope for unity, the correct term today is dissidence and disunity.

Ours is a society in which politician tears down politician, and region distrusts region. One race makes little effort to actually understand or try to comprehend the mores of another, and a majority that are often silent or being bullied about by single-issue pressure groups.

Government once was responsible for national administration, for the defence of the realm, for relations with other countries. Involvement has ballooned, and a large proportion of the responsibilities that once rested with the family have been pre-empted by Government. Government is the milk cow of the nation, the dispenser of largess.

The Government is courted as a sugar daddy by every interest group. Needed help for those who cannot cope has evolved into a national band-aid

program of handouts, social programs, and temporary relief for whatever ails us. We all want to share in the handouts while angrily insisting that we have had it up to here with taxes.

In the meantime our self-image of ourselves as Canadians has become very low. Allowing the Government to do for us things that we could or should do for ourselves does nothing to enhance a sense of dignity and worth in the individual. To be dependent upon Government does nothing for individual self-esteem. Nor does it give one a sense of self-worth and dignity as a creature who is every bit as valuable and necessary and worthy in our society as anybody who sits in a seat of Government.

Yet for some 20 years now, regardless of who has been sitting in the seat of Government, opposition Parties have been mindlessly shouting for more, for more Government involvement is the answer to whatever problem may face us. Opposition leaders can gain national popularity and capture national headlines by telling all citizens that they are still not getting enough. All opposition Parties tend to echo each demand against whomever is in Government, and then the Party that is in Government striving to sustain support attempts to satiate the insatiable appetite of single-issue interest groups for more. Government continues to grow like a cancer to a point where some of the highest expenditure of our federal Government today is no longer to meet the needs of the people, but to serve the national debt which keeps getting larger year after year after year, which is really the cruelest tax of all.

Mr. Chairperson, I do not blame those who sit in the seat of Government. They have become the targets and the objects of much abuse from the population at large, and on many occasions in order to save their own skin, they have had to acquiesce to public pressure. The time has come for our voices to ring out loud and clear, that if civil Government were the answer to all of our problems, and if we continue to put forth solutions which look to Government, why do we continue with the same breath to speak with such cynicism and mistrust of the Government of our land? Why would we be so suspicious and mistrustful of Government and yet continue to look to it for the answer every time we face a problem?

As Dr. M. Scott Peck in his best seller "People of the Lie: The Hope for Healing Human Evil" noted that conflict is evil and is generated by people attacking others rather than facing their own failures.

Mr. Chairperson, I believe that more fundamental and basic to Canada's future than the technical wording of any Constitution is the restoration of a spirit of confidence and good will in this nation and a turning away from the blame game that incessantly seeks to defend ourselves by blaming others. We are sick and tired of hearing negative words, accusing words in which nobody takes responsibility for his or her life or for his own family, but always blames the Government for whatever is wrong.

Do we not realize that the Government is simply a reflection of and the extension of society as a whole? Do we honestly think that the answer to our problems is to keep booting out the present Government and put something else in its place until we change our individual attitudes and start taking personal responsibility for our lives as those who are free, moral beings, not because the Government has given us anything. Certainly the Government cannot give us our freedoms, but we are free, moral beings upon the basis that we have been created in the image and likeness of God. Our rights come to us from our Creator, not from the civil Government.

It is this belief, I believe, which is the single factor that has the potential to hold Canadians together. We may have many differences, many distinctions, and the tie that binds us together is not a written Constitution, but a spiritual bond that recognizes that we have all been created by the same God who loves each one without respect of persons. He alone can take the hatred and hostility out of our hearts and fill us with a love and a respect for all people everywhere.

So I would say, Mr. Chairperson, that Canada does not face in the coming days so much of a constitutional crisis as it does a spiritual crisis. Who is going to be the God to which we look? Are we going to look to the federal Government as the supreme authority, or are we going to look to our Creator?

Having said this and with all due respect, I do not want to come across in any way as condemning or blaming the former committee that drafted the Manitoba Report on the Meech Lake Accord. I would simply like, if I may, to raise a few questions about that report to see whether its vision of Canada and whether its recommendations were in accordance with historical Canadian values.

For example, on page 54 of that report under the topic of spending power, the Manitoba report opposes the Meech Lake Accord's proposal to allow provincial Governments to opt out of new national shared-cost

programs in areas of exclusive provincial jurisdiction, providing the province carries on a program or initiative compatible with the national objectives.

* (1920)

The statement is made in the Manitoba report on page 54 that the primary concern was that the clause threatened possible future national programs such as child care and weakened the ability of the central Government to provide for the health and welfare of all Canadian citizens.

This raises a fundamental question, Mr. Chairperson. Did that committee or does this present committee view the care of children, for example, as the primary responsibility of the state, or is it the primary responsibility of the family unit? What is the historical Canadian position on this?

I refer you, Mr. Chairperson, to no less a source than the Bill of Rights for Canada which was passed on August 10, 1960, which clearly states that the Parliament of Canada, affirming the Canadian nation is founded upon principles that acknowledge the supremacy of God, the dignity and worth of the human person, and the position of the family in a society of free men and free institutions, affirming also that men and institutions remain free only when freedom is founded upon respect for moral and spiritual values and the rule of law.

I believe as strongly as anyone, Mr. Chairperson, that for many children the home is no longer a place of shelter or refuge, from mistreatment and abuse as God designed it to be, but neither is institutional life a guarantee against such abuse. Certainly recent stories of church- and state-run homes for boys and/or orphanages in Newfoundland and on Indian reservations right here in the province of Manitoba is proof positive that to look to church- or state-run institutions as the answer to the raising of our children is no guarantee against abuse.

No, our problem goes much deeper than that. I do not believe any long-term answers to these problems will be found by replacing the family unit with a state but, rather, we need churches and Governments that will encourage and strengthen the family unit to be what it was designed to be, a place of refuge and a place of peace for those who are powerless and who are too little to speak up for themselves.

So the question remains, Mr. Chairperson, should Canada continue to move in the direction of an increasingly state-controlled society, or should we be moving in the direction of a more family-oriented society? I was saddened to read the Manitoba report and to sense that the writers of that report seemed to advocate the route, by and large, of central Government, of statism, of centralism as being the tie that binds Canada together.

This raises the basic question, Mr. Chairperson, do we for one moment actually believe that the heart affections and the loyalties and the aspirations of any identifiable nationality, be they living in Canada or in the Soviet Union or in any other state in the world, that the hearts of any nationality are more closely affiliated with their family and cultural and national ties, or are their hearts more closely associated with their central Government? Why is it that people all over the world are rising up and wanting to get back to their roots to fulfill their national and cultural aspirations and that in all of these cases central Governments are seen as the oppressor that these people and nationalities want to break away from in order to be the people that they in their hearts aspire to be?

Surely we can do better in Canada than to propose a Constitution which continues to look more and more to the centralist approach, to central Government as the supreme authority in this nation and as the final cure for whatever ails us. Do we not realize that centralism flies in the face of Lord Acton's truism: "Power tends to corrupt and absolute power corrupts absolutely"?

Here in Canada we are talking about a strong central Government when people in Eastern Bloc countries and elsewhere are rising up to get rid of centralist regimes with socialistic solutions to problems that are basically spiritual and moral. Today we can clearly see that whenever the church fulfills the role that it was designed by God to fulfill, that it identifies with the needs of the poor, the defenseless, the powerless, the victims of oppression instead of itself being the perpetrator of monopoly power and of oppressing others, then the church always plays a more significant role in capturing the hearts of the people and in fulfilling their aspirations than a central Government could ever do.

We can see this clearly wherever the churches had to fulfill that role in Eastern Bloc countries, particularly in nations like Poland, where the influence of the church has far exceeded that of the state. Today it is the churches of these countries that are filled to overflowing, and faith in centralized Governments is at an all-time low. This again raises a more basic question. Is continuing the trend of the past 20 years in this nation of looking increasingly to the federal

Government as supreme and as the solution to our problems the archaic solution or is a return to a faith in a personal God the archaic solution?

If the drafters of the Manitoba report actually believe that a return to a faith in God is the archaic solution, as is already in our present Charter of Rights and Freedoms and that central Government is our salvation, then I would like to ask in the name of all that is honest, why did representatives of all Parties on the committee sign this statement on April 14, 1989, which was also signed and witnessed at Garden Hill Reserve by Manitoba Chiefs.

Your committee signed the declaration of the First Nations that we, the original people of this land, know that the Creator put us here. The Creator gave us laws that govern all of our relationships to live in harmony with nature and mankind. The laws of the Creator define our rights and responsibilities. The rights and responsibilities given to us by the Creator cannot be altered or taken away by any other nation.

This statement was signed by representatives of the Manitoba Task Force on Meech Lake from the Progressive Conservative Party, from the Liberal Party and from the New Democratic Party. Yet, while the Manitoba report claims to represent the interests of the aboriginal peoples of Manitoba, nowhere does it acknowledge the aboriginal claim that it is the Creator and not the federal Government that is supreme. This is a vital, vital point, Mr. Chairperson.

I hold great respect in my heart for our precious aboriginal people. The reason for this is that they are not a political people; they are a spiritual people. Similarly, if you accept the premise that there is a Creator, He did not create us simply as physical flesh and blood people, He created us as spiritual people. We are more than physical beings; we are spiritual beings, and it is that spirit in man that wants to be free to express itself.

This is the only tie that can bind together the people of all nationalities. Whether we look to the precious and special people that live on our Indian reservations or whether we look to French-speaking Quebec, we can see that Quebecers, for all of their disloyalty to the Canadian federal system, are still very devoted for the most part to a faith in God.

When I read the Manitoba report, I get the impression that the tie that binds Canada together is to look once again to the central Government, which has produced so much frustration and so much anger already and disappointment in our nation, notwithstanding the dissatisfaction that we already have with central Government in Ottawa.

Nowhere do I even read a hint of what it took our aboriginal people to point out, that the Creator is supreme and that our rights and freedoms do not come from civil Government, but that all men have been created free and equal and, therefore, have certain self-evident rights which Governments must recognize, not because the Government gives these rights to them, but because Governments recognize all men are created in the image of God.

Our own Canadian Charter of Rights and Freedoms of 1981, which we wanted to be so certain that the Meech Lake Accord did not violate, states in its very opening statement that Canada is founded upon principles that recognize the supremacy of God. Yet I heard statements made that the Canadian Parliament is supreme, and this goes against our historic heritage in this nation of Canada.

Our founding fathers in the Charlottetown Conference of 1864 chose as the motto of this nation that not the federal Government and not the provincial Government or the municipal Government, but that He, that is God, shall have dominion from sea to sea. The words taken from this text in Psalms 72:8 are inscribed in Latin on our Canadian coat of arms.

Every time we sing our national anthem, we are not praying to central Government in Ottawa. We are not praying to the provincial or the municipal authorities. We are praying to "God keep our land, glorious and free! O Canada, we stand on guard for thee."

° (1930)

I thank you once again, Members of this committee, for allowing me this privilege to address you this evening. I know that in your hearts you all love Canada, and that you do not want to see it disintegrate.

If there was not enough good will in Canada to cope with Meech Lake, I think we can agree that it is going to take a heaping lot more good will to cope with the latest proposals from the Government of Quebec and still keep Canada together.

Yet I hope that you will always remember that a divided Canada is a weaker Canada. Some people in Quebec today believe that opposition to the Meech Lake Accord succeeded in doing what Rene Levesque and the separatists were not able to succeed in doing in the year 1980, and that was to convince the majority of the citizens of Quebec to vote for Quebec sovereignty.

We know that the departure of Quebec would involve very complex and controversial disputes over assets, debts, obligations, the St. Lawrence Seaway, transportation corridors, defence and much more. Those who speak of this option of Quebec departing from Canada as the logical solution speak too glibly.

Quebecers themselves believe that if they separate, it is Canada that will suffer more than Quebec. It is the nation that will be split into two parts with Quebec right in the middle. They believe they will have Ontario on one side and the Americans on the other, so business can still be good for them, but what about us?

How are Manitoba's own self-interests best served in a divided country or in one nation from sea to sea? How can all of the different nationalities and regions that comprise the mosaic of Canada be held together from sea to sea? We shall need to decide whether the solution is to return, as our founding fathers recognized, to a belief in one God as supreme who created all nationalities to live together in peace and harmony or whether we believe that central Government should be supreme and should be responsible for the welfare of all Canadians from the cradle to the grave. The choice is yours, and I thank you for this opportunity to share what was in my heart with you.

Mr. Chairman: Thank you, sir. Any questions from the task force? Thank you again, sir.

Before I call the next presenter, I am pleased to acknowledge the arrival of two additional members of the task force. In the centre on my left is Ms. Jean Friesen, the New Democratic Member of the Legislature for Wolseley, and at the end of the table on my left, the Honourable Darren Praznik, Conservative Member of the Legislature for Lac du Bonnet and Minister of Labour.

Our next presenter is Mary Hewitt-Smith.

Ms. Mary Hewitt-Smith (Private Citizen): Thank you for this opportunity of allowing me to speak this evening, Mr. Fox-Decent and the panel.

Mr. Chairman: Thank you.

Ms. Hewitt-Smith: I am presenting this brief as an individual and not representing the Council of Canadians, of which I am the Manitoba Chair. I have grave concern that like the Meech Lake hearing process, these hearings will not be taken seriously by the federal Government, which must get in touch with the needs and concerns of the people it represents. If Canadians are not heard now, this attempt at nation building will also fail in the long term.

I question the present leadership as it deals with this most important task. I believe in a Canada that is more than a sum of its parts, a Canada that internationally can play an active role in promoting a more equitable world order and that domestically can accommodate our diversity while promoting a fairer, more compassionate society. I feel that to gain this end, we must have a strong, capable leadership.

Canada has traditionally shown a commitment to sharing and to social justice. Canadians are an educated and caring people, and we have built this tradition and will not sit idly by while this is taken from us. A Constitution must grow democratically out of consensus, not from a cloistered group of 11 men in the middle of the night. This time the process must be consistent with the established democratic procedure.

We already have a very fine Constitution, a Constitution that could last a thousand years, as Mr. Trudeau says. I do not trust the present federal Government to create a new Constitution, because I do not believe that they have the political will or an understanding of the needs and desires of Canadians. You must recall that Mr. Mulroney has the support of only 14 percent of the Canadian population, the lowest in history for a political Leader.

I believe in a strong federal Government which will solve the economic and social problems that plague our country as well as other emerging critical issues such as the environment and our national sovereignty. I believe in a bilingual country, not one separated by opposing English language supremacy and French supremacy. I wonder if I could have some water.

Mr. Chairman: Certainly.

Ms. Hewitt-Smith: Thank you very much. This bilingual nation must however respect the rights of minorities. I believe in a multicultural country where newcomers are Canadians first while being given the right to their own individuality.

My first concern today is supporting Elijah Harper, a representative of Canada's first people who have lived on this land for the past 20,000 years. Of all Canadians, the aboriginal people of Canada should truly be called a distinct society. It is imperative in the name of justice that the rights of the aboriginal people be recognized in Canada's Constitution. Aboriginal rights must be placed on the agenda of constitutional

conferences, and aboriginal groups must be given an opportunity to participate when their rights or interests are involved.

I find it an embarrassment that former Governments have been incapable of addressing the aspirations of the Native community. I have a vision of our country where we can look again with pride to the North where the powerful helped the weak. We must move beyond the antiquated imperial model where big interests in central Canada assert the right to govern the residents of the North. Let us move beyond this old view of the North that could see this vast territory exclusively as an economic frontier of southern interests rather than as a homeland for stable, self-governing northern communities.

I believe in a strong federal Government and strong provincial Governments. The federal Government should recognize and act in the national interest and rise above the limited provincial perspective. It should ensure equal opportunity for every Canadian. The national Government should be capable of undertaking coherent global action with respect to environmental protection, eliminating the threat of Armageddon, overcoming the national debt, resolving development crises, ensuring the protection of human rights, et cetera.

I believe the following functions are best reserved by the federal Government: Bank of Canada, citizenship, Canada Customs, CIDA, the Coast Guard, External Affairs, Finance and national economic policy, Health and Welfare, Indian and Northern Affairs, international and interprovincial trade, international and interprovincial transport, Justice, National Defence, Revenue Canada, the RCMP, and Supreme Court including the Charter of Rights and Freedoms and Veterans' Affairs.

There are various other functions in which the federal Government must play a leading though not an exclusive role: agriculture, employment and immigration, environment, fisheries, harbours, labour, National Energy Board, telecommunications. If the federal power is weakened, I fear that the First Ministers would become too powerful, with each Premier promoting his or her province's self-interest, without consideration for the interests of Canada as a whole.

If the provinces become too strong the erosion of the federal spending power, the future interpretations of the Charter of Rights, the dynamics of increased provincial leverage in future constitutional talks, and the potential for future erosion of the power of the federal Government are of concern. One result of transferring more powers to the provinces could be some erosion of the principle that Canadians throughout this country should enjoy equality of life based upon common underlying social support standards.

The greater the erosion of powers of the federal Government the greater the divergences from accepted standards of service. There must be a healthy flexibility in federal and provincial relations. The Canada Assistance Plan has been operating over the past 20 years with shared-cost programs, 50 percent provincial and federal shares. Examples are health care, post-secondary education and social assistance. This support is being drastically cut back by the present federal Government. A justification for the continuance of this program is that the federal Government, the general authority over taxation, uses the shared-cost programs as a means of distributing wealth from taxation with a view to attaining greater social justice for all citizens.

* (1940)

If the federal Government is to disburse large sums of money it would seem a matter of fiscal responsibility to set uniform standards and conditions for their use. Only thus can the federal Government be assured that all the provinces benefit on an equal basis as a result of any particular program. A province's right to opt out of shared-cost programs may lower standards in some provinces.

The federal Government has been sharing the costs of such programs to equalize access by all citizens to the same level of services regardless of the province in which they live. If provinces choose not to participate, we could end up with a patchwork of programs across the country which would differ in nature and quality. Somewhere in the future Canadians may lose the ability to draw up new national initiatives, for example environmental management or national day care programs.

It is unfortunate that the federal Government, with the help of some media, has promoted the idea that rejection of the Meech Lake Accord was a rejection of Quebec. Quebec should be granted a veto power in matters vital to the preservation of its distinctive culture. Quebec should have the right to preserve and promote its French language, which should be tempered by constitutional provisions that protect the rights of minorities.

The most effective way to ensure the survival of the French language and culture in North America is not through isolating Quebec but through co-operative efforts across Canada to strengthen its bilingual character as a whole. There should be a long-term defence against absorption of the French language and culture by the omnipresent, homogenizing American culture. Dialogue must be allowed to take place between Quebec and the rest of Canada. An initiative must begin so these two solitudes can become better acquainted.

There must be some mechanism within a Constitution to safeguard us as an independent nation so we have the ability to control our economic development strategy. The present federal Government's economic scheme, the Free Trade Agreement, has been a disaster by taking us into a North American economic integration. This deal must be abrogated. The following are a few reasons why: Two years after the Free Trade Agreement, Statistics Canada reports that job creation has declined sharply. In addition, some 225,000 free trade related jobs have been lost. Despite elaborate promises, there are still no adjustment assistance programs in sight, perhaps because such programs would be challenged by Washington as an unfair trade subsidy.

In 1988, the Mulroney Government promised that a free trade deal would reduce consumer prices by approximately $800 a year for an average family. Yet the consumer price index has risen from 4.1 percent to over 5 percent in 1990. The goods and services tax, this free trade driven tax, is expected to cause enormous hardship for working people in small business. Its inflationary impact is also expected to deepen the current economic recession. In spite of denials that a linkage exists between the free trade deal and Canada's high interest rates, a former Cabinet Minister has disclosed that Canada agreed in a secret deal to maintain a high interest rate policy in order to increase the value of our dollar, making our exports more costly as part of the free trade deal.

The Mulroney Government consistently argued that free trade would guarantee that Canadian companies would be exempt from U.S. trade protection measures, yet through a series of countervail actions the U.S. has attempted to restrict the exports of Canadian steel, herring, lobsters, wheat, copper, software, lumber, pork, clothing and dairy products. Despite assurances to the contrary, our marketing boards are under heavy fire from American farm lobbies.

If the proposed Arctic gas exports proceed, under the terms of the free trade agreement over half of all future Canadian gas production, including production from any new discoveries, will become permanently committed to export to the U.S. Canadian taxpayers will be providing cheap natural gas for perpetuity to the U.S. Already 95 percent of the Beaufort and the Mackenzie Delta gas has been approved for export to the U.S. Natural gas is a definitive non-renewable resource, and Canada's reserves will be rapidly depleted by the massive exports now proposed.

Canadians now are moving toward a fully integrated, shared defence economy with the U.S., which raises profound questions about Canada's ability to make sovereign decisions regarding defence and foreign policy. A new economic policy can start with lowering trade barriers between provinces. It is easier to trade with the U.S. than with other Canadian provinces. If we wish a strong, united country we must place national interests before the old system of placing provincial interests foremost.

In the '88 election, Prime Minister Mulroney declared, I will never sign a treaty that would jeopardize our social programs, yet federal transfer payments affecting health care and education programs are being cut back by $3.4 billion over the next five years. Family allowance and old age pensions have been further eroded by clawback schemes. Promises for a national child care program have been broken. Unemployment insurance has been brought in line with the American system. Throughout the '88 election campaign the Mulroney Government promised that Canada's regional development programs would not only be protected but expanded under Free Trade, yet the '89 federal budget revealed that $1.6 billion would be cut from regional development programs over a four year period.

There must be protection of national social programs such as our universal medicare system. The Mulroney Government has repeatedly stated that Canada's environmental agenda would not be affected by the Free Trade deal. Canadian grants for anti-pollution programs in the mining and smelting industries are being attacked by American companies seeking countervail duties on grounds of the exports being subsidized.

* (1950)

We need a federal Government able to insist on minimum national standards so that all Canadians will

benefit from progressive policy initiatives. Danger lies in severe weakening of the federal Government, particularly the provisions limiting the federal spending power, and permitting provinces to opt out of national programs with financial compensation.

Canada has always had a commitment to greater social justice for all Canadians. A Constitution once established is here for a long time. In the future the Government must deal with issues yet unknown. There must be a meaningful and functional way to permit necessary changes.

The present system of approval by seven provinces and 50 percent of the population is a satisfactory method. Such changes to be considered includes Senate reform or elimination, the electoral rules for parliamentary representation and the establishment of provincial status for the territories. The amending formula which calls for unanimous consent is too restrictive. The amending procedures should include opportunities for public involvement so that any major decisions for constitutional change would be accepted as the outcome of a democratic process.

The unanimity rule in the Meech Lake Accord would set the Constitution in stone rendering any future changes next to impossible. The Supreme Court of Canada has ruled that in some circumstances the Constitution takes precedence over the Charter of Rights and Freedoms. The Constitution must not undermine the Charter of Rights and Freedoms.

The present electoral system inherited from Britain through the British North America Act in 1867 served the two-Party political system of the past.

Canada has had a well-established Third Party for many decades, which has led to unbalanced election results. For example, with only 43 percent of the vote, the Conservative Party won 57 percent of the seats in '88. This electoral system has worked against national unity by setting one region against another. For example, there were no Liberal M.P.s west of Winnipeg, while 28 percent of the population voted Liberal. Another system must be introduced that better serves the political circumstances of the day.

I recommend a system of partial proportional representation where the percentage of seats a Party gets is more nearly approximate to the percentage of the total vote it receives. A good model for Canada would be the federal state of Germany where voting results consist of a combination of single-seat constituencies and members elected from Party lists on the basis of proportional votes gained across the country.

To remove ambiguity, women's rights need to be clearly expressed in the Constitution and not left subject to judicial interpretation.

In closing, I wish to say that I was reluctant to present this brief, because my involvement could add credibility to a process that I fear is really a sham. However, silence might be construed as consent.

I came today because I care about the sovereignty of this beautiful country, which I fear has been eroded almost irreversibly by Mr. Mulroney and his corporate friends from one of the finest countries in the world to a weak appendage of the USA.

I care about the people on the coast who try to make a living fishing when the federal Government has given up control of overfishing by foreigners, fish stocking and processing procedures.

I care about Quebecers who feel rejected by the rest of Canada. I care about Northerners who feel excluded from decision making. I care about the thousands of workers laid off from manufacturing industries in southern Canada. I care about the old who built this country and who now fear the erosion of our health and pension plans. I care about the peacemakers who envision a new order where decisions will be made by negotiation. I care about the poor, whose line-ups at soup kitchens lengthen daily because they cannot find adequately paid employment.

I care about the younger generation and the generations yet to come who may live in a country stripped of its resources, exploited by the free market economy and destroyed beyond repair by a Government that has little concern for its environment.

I care about women and children who make up the largest majority of the poor in Canada, while I have watched huge limousines cruise our city streets. I care about Canadians everywhere and hope that we can distribute our wealth on an equitable basis, so that in a land known as the breadbasket of the world our people do not go to bed hungry.

Mr. Chairman: Thank you very much, Miss Hewitt-Smith. You did well to get all that in within the time limit, and you did get it all in. Questions? Thank you again.

Our next presenter is Mr. Al Mackling.

Mr. Al Mackling (Private Citizen): Good evening.

Mr. Chairman: Good evening to you, sir. Welcome.

Mr. Mackling: What is needed is a pragmatic approach to the review and change of our Canadian Constitution, a review that would systematically identify areas of apparent difficulty and propose a series of alternate changes to effect the most reasonable solution.

The difficulties of Francophone Quebecers in preserving their distinct culture are not new. I will not here repeat the observations I made to the earlier Manitoba Meech Lake Task Force, except to say, the fact that Quebec is a different and distinct part of Canada has been recognized from the very beginnings of our nation state. It is my view that politicians, for narrow political purposes, have for far too long exacerbated the problems which naturally arise from that historic fact.

At this juncture I believe it is necessary to allow Quebec as much independence as possible without dismembering Canada as a viable independent nation state.

The short time at my disposal will not provide an opportunity to systematically analyze alternative proposals for the distribution of power between Quebec and the rest of Canada, but that must be done not in haste, not in anger, and not by 10 or more politicians bargaining in back rooms.

Before I leave the question of Quebec's constitutional concerns, let me give you a specific example where I believe we can accommodate the distinctive Quebec psyche.

Since 1774, the Quebec Act, Quebec has enjoyed the status of its own laws, separate and distinct from the rest of Canada. However, final appeals from those laws go to the Supreme Court of Canada. Some people in Quebec now argue that appeals from Quebec courts should no longer be heard by the Supreme Court of Canada but a Quebec final court of appeal.

Is that suggestion a problem for us? I do not think it matters a great deal. It is my understanding that at the present time a panel of judges of the Supreme Court conversant with the laws of Quebec now hears appeals from the Quebec courts.

I suggest, therefore, that we endeavour to accommodate the legitimate cultural and linguistic concerns of Quebec by looking pragmatically and unemotionally at the proposals advanced by Quebecers and finding, so far as we can, a consensus acceptable to all of us.

The most vital decision of this task force should be its recommendation for a process of constitutional review and change, a process that should be rational, thorough, open and involve the participation of a broad spectrum of Canadians supplied with information as to not only the constitutional issues and concerns identified to date, but a range of alternative changes and courses of action from which to choose.

Furthermore, I strongly recommend that the decision-making process for constitutional change should be non-partisan and that all political interest groups be actively involved. I have never believed that the Government of the Day in a democracy, even should it have been elected with 51 percent or more of the popular vote—and I digress here to observe that in recent Manitoba history I know of no such electoral mandate—that such a Government should not have the inalienable right to decide the laws which constitute a Constitution for all citizens, laws which cannot be altered by a majority decision in Parliament or provincial Legislature.

While it may seem heretical for a partisan politician to make these arguments, I assure you I have held these views even while I was in Government. I also submit that a new or amended Canadian Constitution should make it mandatory that there be a substantial Parliamentary consensus, say at least two-thirds, or better still three-quarters of the Members in favour before any international treaty or long-term contract be executed by a federal Government. If such a provision had existed in our Canadian Constitution, the current Conservative Government in Ottawa would have been unable to enter into the disastrous trade and energy deals with the United States.

* (2000)

Before moving from the issue of the process of constitutional change, I would like to make a few comments about an amending formula. I believe that constitutional change should only occur where there is a national consensus for the proposed changes, not a requirement for unanimity. There should be a process that provides for a non-partisan consensus making in each of the current Legislatures, territorial Assemblies and the House of Commons.

I would favour a formula, of course, that would involve a decision of Parliament, but also that involved a majority of seven jurisdictions in favour of the proposed changes to include Ontario, Quebec, British Columbia, Newfoundland and at least one of

the prairie provinces of Manitoba, Saskatchewan and Alberta. I would suggest that a new provision of the Constitution be considered to allow for the future inclusion of the Northwest Territories and Yukon territory as provinces and that provision be made to facilitate provincial mergers or boundary changes.

Now I would like to make a few observations about specific issues that have to be considered in any constitutional re-evaluation. I would argue that in any revised Canadian Constitution greater emphasis be given, perhaps by binding provisions, to ensure the fair sharing of resources and revenues between provinces and that interprovincial barriers to the free movement of people, trade and commerce be prohibited.

Senate reform, the bone thrown out by some to divert serious consideration of constitutional issues, should be discarded. A strengthened, elected Senate will pose more problems of itself. What we need is a more effective parliamentary system based on the House of Commons. The Senate should be abolished and the senators given a pension based on the Canada Pension paid to the average Canadian worker. Let us remember that the current Conservative Prime Minister won favour with the Canadian electorate for his condemnation of a Liberal Prime Minister's patronage appointments to that body. The large number of Conservative appointments since has not only brought no improvement, but has effectively damned the current Conservative Government in Ottawa for its blatant hypocrisy.

The questions of Native self-government and aboriginal people's rights must be determined over a reasonable course of time with the active involvement of Native and aboriginal peoples. In the consideration of these matters, I believe we should question the whole basis of the existing system of the Indian Act and the reserve system. I believe that there is sufficient national recognition that the time has long since passed for the continued preservation of the Indian Act and the reserve system as they now stand and function.

I believe that the dialogue for change that must primarily involve the Indian and aboriginal peoples themselves will be lengthy. However, we should not set arbitrary time limits but rather give our Native and aboriginal people every assistance to further proposals for necessary change.

While we are probing the values of our current constitutional arrangements, is there any need to change the role of city and other urban Governments constitutionally? It could be argued that since most of the world's population, Canada and Manitoba being no exception, live in large cities, should those city Governments have strengthened governmental powers? I submit that any significant altering of powers between the federal Government and the provinces should increase the federal presence, not, a la Meech Lake, reduce it.

We have striven in Canada to develop a nation that is more caring and sharing, not a society of the survival of the fittest.

Serious consideration should be given for a process of impeachment of Government where it is clear that a deliberate course of destruction of national values is occurring.

The federal Conservative Government does a lot of hand wringing and groaning about the terrible federal deficit, a deficit which they hope will justify their attack on national medical and social programs by reducing their funding, a deficit deliberately kept high by high interest rates, deferral of billions of dollars of tax owed by corporations, by deliberately reducing taxes that corporations ought to be paying and by providing for the deferral of multimillions of dollars through RRSP programs.

The Conservative federal Government's attack on the Canada Pension Plan is more subtle. Plan administrators make it relatively easy for self-employed and small business to qualify for pensions, which their tax department promotes, tax avoidance by the more prosperous taxpayers through RRSP programs.

I could go on and on in increasing anger and describe the continuing calculated destruction of our national institutions: the CBC, Air Canada, VIA Rail and so on.

All of these initiatives are ideologically based on 19th Century laissez-faire economic thinking: eliminate or minimize regulation of any kind because that frustrates the forces of supply and demand, the market; eliminate or minimize the role of public enterprise, marketing boards and administrative regulatory tribunals, because they too hinder a wide-open, survival-of-the-fittest marketplace.

What we need desperately is an election where these 19th Century economic and ideological values can be rejected.

In any systematic review of powers currently held between federal and provincial Governments, let me suggest that we question their logic and practical use to determine whether change is necessary.

As a former Attorney General, I question why provinces should carry the bulk of the cost of the justice system. For example, while the federal Government pays only the bloated salaries of the judges they appoint, all the rest of the superior court system costs are the responsibility of the provinces.

A further example, while a very large percentage of law enforcement and its attendant costs deal with federal law, primarily the Criminal Code of the criminal law, the federal Government contributes little toward that cost. I might digress from my text to say here that the bulk of that cost is with city Government in city police forces.

A further example, what is the logic that prisoners, institutionalized largely under federal law, the Criminal Code, are the burden of the province if the sentence, determined ultimately by a federally appointed judge because of the right of appeal, is two years less one day? That is the responsibility of the province, but if the prisoner is serving two years plus one day, it is the responsibility of the federal Government. These are just a few examples of areas where there ought to be constitutional rethinking.

And what of the Charter of Rights and Freedoms? Unquestionably, no one would like to see a provincial Legislature override the Charter denying a basic right, but are judges, not accountable to the people, to be the ultimate rulers in a democracy? I happen to share and agree with the views of former Premiers Blakeney and Lyon whose fundamental concerns about the ultimate supremacy of duly elected Government provided for the notwithstanding clause in our Constitution today.

I am not insensitive to the concern of those who fear the override provision. We could certainly look at strengthening the legislative requirements before the notwithstanding clause may be employed, but the legitimate concerns of avoiding rule by court decree are nonetheless valid.

Just to stir some emotions further, do we really need a sovereign presence in Canada? If the answer is no, but it is harmless and gives the nation a nice symbol to look up to, can we all but eliminate the cost of this token or symbol of authority?

I think I have provided ample argument in support of the view that our review of the Canadian Constitution should be thorough, unhurried, open and non-partisan.

• (2010)

Let me close by observing that Canada can, if it will, set an example for peoples worldwide in establishing a process and ultimately a Constitution of laws that promote tolerance and harmony while permitting and even fostering racial and cultural diversity. I believe it was Chairman Mao who said, let a thousand flowers grow. It is my view that a garden of many differing flowers and even the odd weed is far more interesting than a garden of monotonous uniformity.

Mr. Chairman: Thank you, Mr. Mackling. Questions now, sir. Ms. Jean Friesen to begin.

Ms. Friesen: I was interested in your proposal about urban Government, and I wonder if you could elaborate on that. You would not want I assume to take away any powers from the federal Government on this. Are you suggesting taking away from the provincial authority over urban Government? How are you going to look at that question?

Mr. Mackling: I am not proposing a formula or specifics for you, but I think there is legitimate concern on the part of urban Government that their tax base is inordinately narrow. I know that many of us, I included, have argued that funding the range of programs that a city Government does on the basis of a property tax is improper. The Government of Manitoba, a New Democratic Government, did initiate establishing a formula where city Government could share in revenue of the province, a percentage of revenues. There is a formula and I will not go into the formula. I am not so sure that I can give you the exact formula right now, but there is a formula for some partial tax sharing, but that is an ad hoc arrangement. It is not billed constitutionally. I believe that city Governments face inordinate burdens with a very reduced tax base, and I think that problem is being manifested in all our large cities today. It is a problem that has to be faced up to.

Ms. Friesen: You put it very delicately towards the end. What was it, a question of a sovereign presence? Would you care to expand upon that? For example, how would that affect the enhancing or at least the entrenchment of Indian treaties which are with the Crown in the Constitution?

Mr. Mackling: As you pointed out, Ms. Friesen, I have not come down very strongly in saying that there should be no sovereign presence, but I think many of us are rather troubled—some could say horrified—by

the lavish expense that is incurred in some parts of the world, in the mother country, in respect to the sovereign presence. The English people will decide that for themselves, but it seems to me that all of the trappings, and they are extensive, that are necessary to retain the sovereign presence in Canada and each of the Legislatures is a bit much. When people are sleeping in the streets, and they are sleeping in the streets here and in Toronto and in Montreal, I think we have to have some concern about whether or not when we are looking at constitutional change we can make some economies at scale in respect to token symbols of authority. I am not saying, destroy the token symbol, but let us have a look at a way in which we can minimize its cost.

Mr. Chomiak: Yes, Mr. Mackling, you have made some very innovative proposals that I have not seen before, and you have mentioned throughout your submission, on several occasions, the process and the fact that the process will probably be lengthy. I am wondering, in light and in face of the time lines that have apparently been adopted by the Liberal Party of Quebec, how you see the process working in the next several months in order to try to arrive at some of these goals?

Mr. Mackling: Well, first of all, I do not think that we should accept the time frames that were established by the Liberal Party of the province of Quebec. By the way, the Party itself has not adopted those yet. They come up for approval apparently at their convention, but that is their proposal, at least a proposal of a committee or a group, and I think it is a bargaining position. I think we should bargain very hard with them. I think that we have to point out that the Constitution made in the past has been a partisan, back-room deal proposition, and it is no longer acceptable in this day.

The people of Canada have a right to take the time and to care, to review proposals very carefully, unemotionally, and take whatever time is necessary to do it. That is not to say—I would not say to the Quebec people, we are not serious about this; we are not going to get on with it. We are going to, as far as we can, recognize your legitimate concerns, and indicate to them our acceptance of their legitimate concerns in respect to preservation of their culture and their language. I think there is still some confusion and doubt in the minds of Quebecers that people across Canada were rejecting them when we rejected Meech Lake. That is not the case. I did not hear much of that here in Manitoba.

I heard a concern here in Manitoba that we did not want to dismember Canada; we did not want to break up the nation as the Meech Lake proposals, if they had been fulfilled, would have done. That position has to be made clear to the people of Quebec: We understand your concerns, and we are prepared to work with you and pragmatically review areas where we can accommodate each other, making it all the time clear that we do not want to destroy Canada, and we will not accept a destruction of Canada. If, after the end of all that we can do in negotiation with them, we are not satisfied that we can accommodate them any further and they are not satisfied, then, of course, Quebec should separate, but the rest of Canada should stay together and build on the basis of the nation that we enjoy today.

Mr. Chairman: Mr. Mackling, you say, sir, in the heart of your written presentation, the most vital decision of this task force should be its recommendation for a process of constitutional review and change. Could you elaborate a bit on that?

Mr. Mackling: Yes. I think that Manitoba has already indicated leadership in respect to the whole question of process. It did so in respect to the Meech Lake question by establishing the task force which you, Mr. Chairperson, very ably headed. I think the approach of the Manitoba Legislature has been correct in establishing this committee, task force committee—I do not know what the proper designation may be right now. It is an all-Party committee, and it is listening to the concerns of Manitobans.

Regrettably, when you are meeting right now, you are meeting under a time in the world when there is tremendous concern about the international implications of the war that is on right now in which we are involved, to a lesser degree than our great neighbour to the south, but nevertheless involved.

We are also meeting at a time when there are individual positions being set forth and the latest one, of course, being the Allaire committee or group in Quebec, and too much of the focus is responding to that concern. I say that we have to step back from the alarmists and the politicians who have been playing this whole scenario of the need to revise the Constitution in a way to accommodate Quebec. Let us step back and say, yes, we have to do that, but are there things in respect to the Constitution we want to rethink?

We want to strengthen our Constitution. I believe that we should strengthen the role of the federal

Government, as I have indicated, but there are areas we can accommodate Quebec. I think the process that should be recommended by this committee will be one in which you lay out a sufficient time frame, not say that we are going to make our recommendations and this is what the provincial Government must do in so many weeks or days in order to satisfy an artificial time line that has been drawn in Quebec.

* (2020)

I think this has to be a wide-ranging, introspective look at our governmental arrangements in the province of Manitoba, and right across Canada, and if that takes more time, so be it. If that might mean involving groups of academics, groups of citizens to have discussion papers upon which they would have meetings and discussions about proposals, should we do this, should we do that, what are the alternative courses action that are open to us, and let there be widespread dialogue and discussion about what kind of a Manitoba, what kind of a Canada we want to have. We have this unique opportunity to do that, and I say let us do it.

Mr. Chairman: Okay, sir. Thank you very much. Thanks again. Our next presenter is Ms. Patricia Meadows, followed by Mr. Vaughan Baird and Mrs. B. MacKenzie, just to give you a preview of those of you coming up shortly. Good evening, Ms. Meadows.

Ms. Patricia Meadows (Private Citizen): Good evening. I would just like to say that I kind of wonder why I am even really here. I just phoned yesterday afternoon and found that there was a position that you could come and speak, and I sort of came up with my typewritten ideas. I find that I am kind of overwhelmed by the people who have obviously been working for weeks or a long, long time on their presentations. With that in mind, I hope you will bear with me, that I am very simplified, and it is the first time I have ever spoken in public.

I started off my ideas with the thoughts that we are talking about the Constitution in the context that Quebec is forcing our hand to change and that is the way we have to look at changes, instead of Quebec coming forward with the agenda. I think it is up to the rest of Canada to be prepared ahead to come with their ideas that this inevitable change, which I am sure is going to happen, that we are prepared to come back and say, well, we want some input in this, too. I do not necessarily think that is bad. I think that everywhere in the world it is very much changing and that we have all got to be prepared for change. Maybe it is a good thing this has been forced upon us. So I will now start with the typewritten presentation that I worked up.

Mr. Chairman: We have a copy of it. Thanks very much, Ms. Meadows.

Ms. Meadows: Yes, that is right. I begin by saying that as a Manitoban I was very pleased with the outcome of Meech Lake, not only because it was defeated, but because of Elijah Harper's part—an Indian, a Manitoban and a Member of our provincial Legislature. For once the Indian problem in Canada came to the fore. Even though the Natives have been excluded from the Meech Lake process, they managed to use Canada's political system when not ignored and made sure that we know they will have a voice in what happens to us in the future. Meech Lake, I am sorry to say, also exposed how ordinary citizens are manipulated by politicians and this sad fact, the Natives of this country, discovered early and still deal with in their daily life.

I have heard the analogy of Canada being in the same position as a family confronted with a threatened separation or divorce. When a divorce is contemplated, every effort is made to see if the parties involved can be reconciled, and I, like most Canadians, hope that reconciliation will come. We have to face facts, though. One of the parties wants to get out. I also know that there is no such thing as being a little bit separated, a little bit divorced, any more than sovereignty association could work.

Sovereignty association looks to me like one member of the family unit wanting to retain all the shelter and help that comes with being part of that unit, at the same time saying, I am special, I wish to be free to decide how I spend my money, my needs are paramount, and I also want a veto to any decisions made by the rest of the family.

I tried to separate my thoughts from the rhetoric of political groups. Before I went very far I came to look at the curious situation that exists today. There are two people heading any present undercover discussions. We have Mr. Mulroney, a native Quebecer in the House of Commons representing a Quebec riding, and on the other side of any discussions, Mr. Bourassa, the Premier of Quebec. Between them, they are working out how Quebec's best interests may be served and how to allow Quebec to have a unique position in Canada. How can this be seen by the rest of Canada as an unbiased

position? I cannot see how the rest of Canada outside of Quebec could be fairly represented.

I have talked about the Native position in our present problems. How does that fit in with this analogy of a divorce? The first thing that lawyers discuss is what provisions are to be made for dependants, and our policies sadly have kept the Natives as dependants long after they have wanted to be in that position. Before we discuss any separations, we have to come to grips with our outstanding obligations to Native people. We must settle all land claims; we must make sure that their rights are absolutely spelled out in any agreements; and they must be part of any negotiations.

Can a member of a family say, I am leaving, doing my own thing, and then leave all debts and obligations behind? In ordinary life, the long arm of the law would rush out and garnishee his assets and say to that party, behave rationally or suffer the consequences. Why would the rest of Canada not be expected to react to Quebec and say, what assets did you have when you came into this marriage? All assets and liabilities accrued during this marriage must be divided.

I do not think that Quebec came into Confederation with most of northern Quebec. I think it was about 70 years ago that it was added to their province. I also think that a large part of that same territory is part of Native land claims. What chance would Natives have of getting this land back if they are negotiating with a Quebec no longer in Confederation? As an aside there, I would like to say that I was most upset with the way the Natives were treated in Quebec, at Oka, and the way our national Government sent in the army to the Native people.

Quebec, by bringing out their demands for separation, has brought out all other problems that this family has to address, and for this I thank them. Whether it finally comes down to a separation or a divorce, only time will tell. In the process, every Canadian must be treated equally and fairly.

I would say that if Quebec is looking for certain rights as a province within Canada, then every other province must be given exactly the same rights. If they are asking for a separate status, then every other province must be given exactly the same powers and separate status. Maybe Quebec could find itself in the future having to negotiate with every other province in an equal, not privileged position. Perhaps we could take the model of the new Europe. I do not think that body would allow any other member to have all the benefits of membership and still allow that member to have special rights that no other member possesses.

Manitoba's position in all this? I look at Manitoba as being a member of the family of Canada, one that still needs the help of other members of the family. If the family is going to come apart, maybe Manitoba can join with others and form another unit. If we are to be part of one Canada in the future it must be a Canada for the mutual good of all, and decisions must be made on the basis of gain for one part not being at the expense of loss for another. My hope is Canadians will not settle for less.

After I made the telephone call and arranged to come here I began to ask myself, what have I done? I have never spoken in public before, I will be alone, and then I realized that to me Canada's future is worth that extra effort. Lately I have become cynical of the political process and politicians. However, as an individual I still do have the right to have my views heard, and can one person make any difference? Then I thought about Elijah Harper.

* (2030)

Mr. Chairman: Thank you. Any questions?

Hon. Darren Praznik (Member for Lac du Bonnet): Mr. Chair, all I wanted to do is say I quite enjoyed your presentation and encourage you to come to the Legislature again. It was very refreshing, and your comments had a fair bit of insight so we quite enjoyed them.

Mr. Chairman: Anyone else? Thank you very much, again, Ms. Meadows.

Mr. Vaughan Baird (Private Citizen): Good evening, Mr. Chairperson.

Mr. Chairman: Bon soir, Monsieur Baird.

Mr. Baird: Ladies and gentlemen. You spoke and asked a question. Your last question to Mr. Mackling takes my lead on my submission. Now, I have a submission plus a letter. In my submission, I said the Government of Manitoba should call—oh, you have not got them yet.

Mr. Chairman: We are just getting them distributed now, sir.

Mr. Baird: If you take the letter last, it starts out, the Government of Manitoba. The Government of Manitoba should call immediately a meeting of representatives of all English-speaking provinces to form a secretariat to establish a position paper in respect to the sovereignty association idea of

Quebec, or a new Constitution to bring Canada well into the 21st Century.

The English-speaking provinces must present a united front. We Manitobans are classed as an English-speaking province. Mais nous avons les deux langues officielles.

The two leaders of the two national Parties both come from Quebec; therefore, it is incumbent upon the English-speaking provinces to take the lead as to what terms, if any, the sovereignty association idea, or a new Constitution in relation to Canada must take.

Bourassa's French-only sign law rejected bilingualism for his province. It was the Waterloo, or turning point, where Quebec will no longer be the dominant factor in the final decision which the other nine English-speaking provinces will make. Manitoba, though a small province, is the first daughter of Confederation and should commence to lead the Maritimes west in the future policy making by the English-speaking provinces.

Ontario will not give that leadership, or if she tries will be suspect, for she has the most to lose after Quebec on the sovereignty issue. I am speaking of the trade in that aspect.

The Maritime-West dialogue must begin immediately, for six-months delay may be too late. If we act now, we may be able to change the direction of the sovereignty association idea by giving the province of Quebec a clear message what the English-speaking provinces would accept or not accept as to terms, if any, as to the sovereignty association idea or a new Constitution for Canada for the 21st Century.

In respect to the Constitution to bring us well into the 21st Century, Canada should have an elected Senate or in the alternative abolish it. Even the Quebec report has said, abolish it, which surprised me, because they have a dominant power there in the 24 senators.

The Progressive Conservatives of Manitoba at their recent convention, December 8, 1990, at Winnipeg, passed a resolution for an elected Senate, attached hereto as Schedule A. The Government was also to take into consideration what might come from the people of Manitoba in these constitutional hearings.

The Province of Alberta in 1988 went on record for an elected Senate. Alberta realized its objective by having the man they elected appointed to the Senate as the Honourable Stan Waters, who was sworn in June 19, 1990.

The United States has an elected Senate of equal representation, which began the same way. The state of Oregon in 1904, rather than appointing their senators elected them. They were told it was against the law, but other states followed suit. By 1913 it became the law of the land that the United States Senate was elected thereafter.

Ladies and gentlemen, if each province goes on record and begins electing men and women as senators, in a short period of time it will become the law, and Ottawa will have to bow to the inevitable. It will probably be the only way reform will come about.

Ladies and gentlemen, Prime Ministerial patronage of the appointment of senators is no longer acceptable to the Canadian people, just the same as the suggestion to transfer the powers of appointment so it becomes Premier's patronage is also not acceptable.

With regard to the lady just before me, who spoke so sincerely on the question as to how politicians are held in society, one of the things I felt and felt very strongly—I sent a letter on January 25, 1991, to the Honourable Jake Epp, who is our senior Cabinet Minister in this province. I am in his constituency; also I am a member of his Party, so I do not hesitate to disclose my colours.

It bothers me, the secrecy and how politicians try to hide things with regard to what the Canadian public should know and the taxpayers should know. It is a question of our Access to Information Act and the Privacy Act. This also deals provincially too, because we have the information.

The federal Justice Department came down with 109 recommendations to improve the Access to Information Act and the Privacy Act. The federal Government only adopted seven minor little ones.

Just take the example of Petro-Canada and what has been shoved under the carpet on that one and should be disclosed to the Canadian taxpayer. There are two articles. I am not going to take the time to read them or bore you with them. There are two articles attached to that letter with regard to the question as to how they are going to change the regulations now.

If we have a Canadian corporation that does business in the United States, it has to disclose the salaries of the chief officers of that corporation. They are now going to amend the regulations so that will not have to be disclosed to the Canadian public, but the American public will know of their American corporations. I think this is a disgrace, that we are not

permitted to know the salaries of our chief officers of our major corporations. The only way we get it disclosed is if they have United States contact, and now they are closing that loophole. It is a question of credibility of Government officials that we also have to attack.

We are here on a constitutional matter, but Constitutions have involved the question of putting the cards on the table and getting away from the secrecy of Government. I will say this, and I admire the United States on the way they are so advanced on the question of the freedom of information and how their public can get to it.

This afternoon we were here, and we heard some presentations and some very sincere presentations and, Mr. Chairman, you asked and also one of the other Members, who is not present here now, for a statement of what it means to be a Canadian. If a simple statement could be made to attract or preamble, well, I can think of nothing better, and I do not ask you to take it because of my colour of Party politics.

* (2040)

The right Honourable John Diefenbaker in 1960, on July 1, made an address to the House of Commons: I am a Canadian. I am a free Canadian, free to worship God in my own right, free to speak in my own way, free to stand for that which I believe, free to oppose that which I desire to oppose, free to choose who shall be my representatives in Government. This heritage of freedom I will uphold for myself and all mankind.

I do not think you can find a better statement. I have misquoted it a little. I tried to recall it all. It is a little difficult, but it is along that theme. I suggest if you want a beautiful preamble, you could not ask for a better one, even though it comes from a Tory.

Mr. Chairman: Thank you, sir.

Mr. Baird: Now I am hoping for questions.

Mr. Chairman: Any questions? Yes.

Mr. Paul Edwards (Member for St. James): Mr. Baird, I very much appreciated your comments. I take it from reading the first page over again, in your view the other nine provinces are English-speaking provinces.

Mr. Baird: Not necessarily. They have two official languages, but Quebec classes Manitoba as an English-speaking province. I do not.

In my estimation, we have two official languages. The Supreme Court has so held it. We are back in the Supreme Court again because the Government of Manitoba wants to decide what Orders-in-Council they have to translate, but to me New Brunswick, Quebec, Manitoba are bilingual.

Ms. Friesen: I just wanted to make sure. Your emphasis is upon the elected Senate, not upon an equal Senate.

Mr. Baird: First off, I think it has to go in stages, knowing how Government works. I believe the elected, effective and equal Senate is the way to go, but we have had, I would say, a terrible scene with regard to the question as to Constitution. It is very upsetting I think, for Canadians and for politicians too, what happened in our constitutional issue, and when we get promises made that we will not hold elections for a Senate for five years, to me that bothers me. You do not make those kinds of deals. You say look, if it is right in principle, an elected Senate, then we go for it. Alberta did it, and it is a question of getting regional representation through the Senate and regional representation could only be done by equality.

Now I do believe sincerely that Constitutions are only done very slowly, but we may be shoved into an emergency this way where it is going to be either a very fast, quick decision which is tragic in a constitutional question, or there may be the time factor, but I do believe we have either got to have an elected Senate or abolish it.

Ms. Friesen: Could I ask you then, since you are eventually in favour of a so-called equal Senate, the same question that I asked somebody in the afternoon. If you were an Ontarian, for example, why would you accept this idea of an equal Senate? Why would you put yourself on the same basis as somebody from Prince Edward Island or Manitoba?

Mr. Baird: I think Ontario realizes the emergency of the situation. If they lose Quebec or lose the West because we are at a real crisis in our nationhood—I want us to see us go in the 21st Century a strong nation, but the thing is Ontario economically in the trade which is very important, realizes she has got to keep Quebec in, but she has also got to keep the West in. If the West falls to the United States, and let us put it this way, if Canada divides you are going to see in my estimation a fall towards the United States. The Maritimes will fall very quickly if Quebec separates. She has got to economically. Of course that will be her decision, but I believe we are seeing

with the Free Trade and now with the free trade with Mexico sitting down, the question of North and South America free trade is coming very strongly, and as they say, so goeth the trade, so goeth the flag. I believe that Ontario is going to be very, very co-operative to try and keep her economic, shall we say household in order. Economics is going to play the major factor here as far as Ontario is concerned.

Mr. Chairman: Thank you very much, Mr. Baird.

Mr. Baird: Good night.

Mr. Chairman: Good night. Mrs. MacKenzie. Good evening, Mrs. MacKenzie.

Mrs. B. MacKenzie (Private Citizen): Good evening, Mr. Fox-Decent.

Mr. Chairman and Members of this Constitutional Task Force, I have said it before, but it bears repeating. The demise of the democratic process in Canada is to be mourned. When we were at the Jean Charest inquiry, a woman dressed in red was concerned about the unborn child; she was a pro-lifer. I am dressed in black because I mourn the fact that our democratic system has been so eroded.

We the people of this nation are subjected to the dictates of the so-called elite in Ottawa. We are constantly told what Ottawa expects from us and not what our politicians can do for us. As I have also said before, many times, in a truly democratic society the supreme power rests with the people of the nation and Canada professes to be a democracy. However, we, the people of this democracy Canada, find that our M.P.s, MLAs and civic leaders are not listening to us, and go on their merry way doing as they please, taxing us to death, but raising their salaries and pensions, and appear to forget that their constituents elected them to office because they trusted them to represent them adequately and honestly in the office that they were to fill.

I firmly believe that this style of Government started with the reign of Pierre Elliott Trudeau who, according to Eugene Forsey in his book, "A Life on the Fringe," said that Trudeau thought that once a political Party was elected to office, it could do whatever it wished. This unfortunate policy has continued on since the period that Trudeau was in power. He had as many as 3,600 Orders-in-Council a year. This was unheard of previously. I think the only one that we had prior to that time in Canada was during the time of Mackenzie King, and it had to do with conscription. In Britain, the Government may have anywhere from five to 10 in any given year.

I truly support the concept of a Triple-E Senate: equal, elected and effective. This would assist in the input from the regions that at present have so little say in the direction that this country will take in the future. I do not agree with representation in the Senate by population, nor appointed senators. I feel it should be equal representation by each province and territory, so that each region has equal say in how this country is governed and each senator would be responsible to the people who elected him to office. We now have 104 appointed senators who have done nothing for this country for 30 years, and then when they tried to vote against the imposition of the GST, the Prime Minister appointed eight Conservative senators to counter the Liberal appointees.

I wrote to Jake Epp to inquire why the Prime Minister could appeal to the British Monarch to use Section 26 of the BNA Act when the 1982 Constitution was in force. His reply to me was that the 1980 Constitution was simply an amendment to the BNA Act and therefore it was perfectly legal for the P.M. to appeal to the Queen and seek her permission to break the deadlock that existed in the Senate. Let us avoid any further such move by changing our Constitution to allow for an elected Senate. However, I was delighted that the vote on the abortion Bill was defeated in the Senate.

I wonder how many Canadians are aware that they do not own their own property. Property rights were deliberately left out of our 1982 Constitution in a back-room deal between Ed Broadbent and Pierre Elliott Trudeau. The ultimate goal of these two socialists was to deprive the population of the most important human right of all, ownership of property.

Any Canadian who has read Somerville's book, Trudeau Revealed, would wonder how we Canadians ever allowed this man to become leader of the Liberal Party and eventually our Prime Minister. His Just Society became the most unjust society we have ever known. He instituted a top-down type of Government, which is the French type of Government. We were dictated to by an elitist group in Ottawa. He chose to use Orders-in-Council instead of allowing the Members to debate an issue on the floor of the House of Commons.

Our justice system was also eroded. British common law states that you are innocent until proven guilty, but this Prime Minister gradually changed this until the French justice system was instituted, and one is guilty and must prove his innocence.

Canadians are notoriously slow to act and apathetic in regard to what changes their Government is doing in their freedom of choice. Finally, in my opinion, the people of this nation are waking up to the fact that they are being ruled by a despot. Canada has never before been in such a state of chaos due to the many changes that were effected by the 1982 constitutional amendment and the Charter of Rights and Freedoms.

* (2050)

According to the Charter, we as individuals are not allowed to discriminate, but the hypocrisy of this is that the Government is allowed to use the Charter to its own ends. Social engineering, I believe it is called.

In Bill Gardner's book, I read of an American black man saying that—his name is Walter Williams—he intended to marry a black woman because his heritage was black and he wanted black children. Could you imagine a white Canadian saying publicly that he intended to marry a white woman. No doubt he would be prosecuted by the Human Rights Commission.

In my opinion, every Canadian should read Bill C-72, the extension of French services in our society. The BNA Act, Section 133, gave permission for either language to be used in the House of Commons or in a court of law. Our Manitoba Act, Section 23, gave the same privilege. However, number 16 of the 1982 amendment, made French equal by stating, and I quote, English and French languages are the official languages of Canada for all purposes declared by the Parliament of Canada.

I think that in this time of restraint—I have a copy of the cost of bilingualism in this country. This is current. It is not anything that dates back 10 years. It is projected for 1991 and it is called: Counting the Cost of Two Languages, and it is available. If you want a copy of it I will have it xeroxed for you.

The tragedy is, and I have said this before too, that the Opposition in the House of Commons did not protest when the Bill went through, when C-72 went through. John A. Macdonald said at the time of Confederation: Let us be English or let us be French but, above all, let us be Canadians. Canada does not need official bilingualism, it is a free country and we are, except in Quebec, allowed to speak whatever language we choose. One language unifies; more than one divides. Official bilingualism has been, and will continue to be, the most divisive issue in this nation.

In my opinion, this section of the 1982 repatriated Constitution should be rescinded. Immigration and the coddling of immigrants has also been a sore point with Canadians. In my opinion, issues like this should be put to a referendum and any issue that is controversial or emotional should really be put to a referendum in our country.

No doubt everyone in this room and all across this country has had parents, grandparents, or greatgrandparents who came to Canada for diverse reasons, either to escape political oppression, to escape starvation or to improve the opportunity for their offspring. For this reason alone we must maintain the freedom we have enjoyed. Was it not Hubert Humphrey who said, Freedom is a fragile thing, guard it well. The future of this country lies, as it did in the pioneer past, in the people of the nation. In my opinion the 1980 constitutional amendment and the Charter, should be rescinded in its entirety and a Constitution should be drafted by the people of Canada.

On a personal note, I would like to add that I am a bilingual Francophone. My parents both emigrated from France so that French was my mother tongue. At this time it makes me a hyphenated French-Canadian, a term to which I object. I am first and foremost a Canadian. Thank you.

Mr. Chairman: Thank you very much Mrs. MacKenzie. Any questions? Thanks again, good evening.

We are going to take a short break now, ladies and gentlemen, in our proceedings, about 10 minutes. We hope that you will join us after the break, both on television or here in the room. Our first presenter after the break will be Mr. Bob Wasiouna.

The hearing took recess at 8:56 p.m.

After Recess

The hearing resumed at 9:15 p.m.

Mr. Chairman: Well, ladies and gentlemen, we will carry on now with our scheduled presentations. Is Mr. Wasiouna here? I would call on Mr. Ralph Paul.

Mr. Ralph Paul (Private Citizen): When I made my presentation this afternoon in front of my family I was timed at 11 minutes and 40 seconds, so I have something like eight minutes and 20 seconds to interject some thoughts and ideas that I have.

I want to, first of all, mention a couple of things before I get right into my presentation. I, first of all,

want to thank all those speakers who have put in a very good word for the aboriginal peoples, and I was very, very grateful to them because it shows me that Canadians are starting to understand who we are, what we are. I heard this afternoon very clearly that Canadians are starting to come to us and saying, Hoh'anh, welcome, and I hear that.

Secondly, I want to mention the time constraint. This afternoon, again as I was watching this on TV, there was a speaker here, very eloquent, very good ideas and all of a sudden, bang, time is up. Then I thought, holy smokes, is that the kind of country they want—hurry up, we have to build a country. Hurry up, you know your thoughts are good, but we have a country to build. Let us get moving here. I do not think that is the type of thing that is going to create a country. You have to think a little bit, slow down. Why rush into building another country? Look what happened last summer with Meech Lake? Hurry up, we have to get this thing through. Nothing is going to happen. Just take your time and I guarantee you by taking your time you will build a better Canada than what you have right now.

The third thing I want to mention before I start into my presentation is this thing about self-government. Watching again this afternoon and some of the Members up front were asking, what is self-government? I am thinking, what do you guys have? What have you been doing with yourselves all these years? You have self-government. You understand what self-government is. You have been doing it all this time.

The United Nations Charter on Human Rights said that all peoples had a right to self-determination. To me, self-determination means that I have a right to govern, to do what I want to do. I have this right to govern what I have to, what I want. I want to be able to get up some morning and say, gee, I did this myself. I did not have Big Brother behind my back or some other groups telling me, do not do that. I want to be able to say that.

I think my aboriginal brothers and sisters want to be able to say that. I think that is what aboriginal self-government means. If you want to translate aboriginal self-government to your definition, you will never understand it, because you are not thinking like the aboriginal people are thinking about self-government. It is always your definition. If you keep asking that, you always come to the same, what is it, you are afraid of what you do not understand.

Last summer, I remember these Premiers—or maybe two summers ago—what is self-government? We do not understand what it is. They feared it. So what did they do with something they feared? They killed it. We do not understand it; we cannot entrench it; it is too big for us. To us aboriginal people, we know what we want. Let us decide, and I think we can come to some consensus that we say this is what we want and this is what we will get. I think the United Nations Charter on Human Rights gives me that right. I see some lawyers there, and I think they understand that.

Now the first word I used when I got here was "hoh'anh." In my language, the Dene language, this word means "welcome." I say welcome to you, because I welcomed you, because I want you to share what I have to say. I want you to be able to understand what I have to say. I welcome you. I want to share with you my feelings on what you guys are bringing up.

So I will start on my presentation as I have it down here but, as I said, I will interject and make time with those eight minutes.

* (2120)

As an aboriginal person and a Dene, I feel that what I have to say or suggest to your committee may not be what you want to hear or what you expect to hear. What is a Canadian? To tell you the truth, I myself have never felt like a Canadian. I do not know what a Canadian is, because I have never felt that I was part of Canada. I was always on the periphery, the outskirts, looking in, because I had nothing, no input into it. I always felt that this thing called Government was for the white people. They ran it; they did it their own way; they never came to us for advice or anything. We were just votes. Just recently, we started to end that. So up to this point in time, I have never gotten the idea that I was part of that system, that I was part of being a Canadian, whatever that means.

In fact, to tell you the truth, going back through history my people were not persons. They were not considered a person. The laws that were passed by your ancestors said a person is other than an Indian. How do you think I feel when I hear that? The other thing, I had never gotten a chance to vote until 1960. How could I feel a part of that system? How could I be able to contribute when I could not even vote? Even to this day, I have a lot of misgivings about being a Canadian, so I always consider myself a Dene first

before I was a Canadian, because I do not know what a Canadian is.

So the question is: In what direction do I want Canada to head? And I answer, not to Meech Lake again, thank you. If we continue to follow our present direction, I fear we are heading toward another form of Meech Lake. We are moving too fast here. I think we should slow down a little bit and give us time to create a better form of Government that you guys want to see happen. I think after last summer, six months later we are at it again—no time to think.

Ever since your ancestors arrived on our shores in the 1600s, they have all brought with them their own ideas and concepts of the good life they would make for themselves in this new land which, incidentally, was already occupied. There were many diverse ideas and ways on how they would want these directions to be.

Europeans came in a flood wave in the late 1800s and on into the 20th Century, and they are still coming to the tune of some 26 million today. All these people thought up all sorts of ways to direct this new country that would be beneficial to all. Nothing seemed to work or be satisfactory to all these Canadians, as they are now called. With the present direction, I do not think things are going to improve that much. I may be a pessimist, but there are some reasons for this, the way I see it.

The primary reason or purpose of the present Canadian society is economic fulfillment, and I think I heard that tonight. To this point in time, this activity of Canadians has and is destroying my country, and I underline the word "my." Canadians, like their American counterparts, have been and are still very exploitative. They have literally destroyed a great portion of my country again.

My aboriginal ancestors have existed for thousands of years on this land. They took very good care of the land and, in turn, the land provided abundantly for them. They must have been doing something right, but are they consulted? Along came the Euro-Canadians and they set about exploring and conquering and exploiting and destroying the very environment they were supposed to live in.

I will give you one example. My dad used to hunt and trap in northern Saskatchewan, and here again I interject. This part would do Mulroney very good. Remember one speech he was talking about the rolling prairies and the virgin forests and all that? Well, that was the kind of country my dad was hunting and trapping in those years. My dad led a simple life, but a very satisfying one to him. It was a hard life, but he pursued his lifestyle. There was no rush to overkill fur animals to get rich. I do not think that entered his mind, just a matter of survival to the best of his ability.

In 1985—this was some 40, 50 years later—I went with him. He asked me to come with him. He said, I will show you where I used to trap. So I went up this road with a car, and he showed me the place. He said, here is where I used to trap; this is where I used to set my traps for otter; here is where I used to walk. Just up the hill, do you know what I saw? There was a great big uranium mine complex.

The surrounding land is dug up, it is torn, the trees are cut, the wildlife gone, and there is a big road snaking right into it. There is a further fear of radiation from this residue of that mine. In 20 years down the line, this French company from France will pack up and leave, leaving one big, messed up area to repeat this process elsewhere.

I personally believe that because of this lack of respect for the land, non-aboriginals will always be in conflict with their environment. Your technology is such that it is working for and against all of us, but mostly I think against us.

Yesterday I read some very interesting writings of a renowned aboriginal architect named Douglas Cardinal. Here is what he wrote: The technological society shows us what happens when the intellect goes out of control. I know what I say will continue to fall on deaf ears, but why not inform the powers that be to channel some of their technological know-how on how to live, not just surviving or getting rich and leading the good life.

In 1969, they sent a guy way up to that moon, and to this day I do not know why. They planted an American flag in their lifeless—I do not know, they spent billions of dollars doing that, but yet what for, to say the Americans are better? Why did they not take all that money and do something for the people? But they do not do that.

For the last two weeks I have been watching television, and these military people are bragging, oh, we can pinpoint these missiles right on the dot, you know, bragging about their power of destruction, not power of creating something good. That is what they have been doing. This technological know-how can be used.

I said, and so have our elders, and I know you guys have elders, and you call them the Senate. Lately they

have I think gone the circle from childhood to childhood. These elders tell us like my grandfather used to say, esyanathi. My grandmother used to say it, and my mom used to tell me that, esyanathi. It means, take it easy, take it cool, you know. It will come. Just take your time.

* (2130)

I drive to work some mornings, and I see cars zigzagging in and out of lines, you know. At 7:45 in the morning they are trying to make that eight o'clock, be-on-time work syndrome. Sometimes I am reminded of these Arctic lemmings, all rushing down this cliff to their demise, and I think, rush, rush, you know, where?

Democracy? What a joke. Our present very unpopular leader, Mulroney, does not listen to what people want. He goes against the very definition of democracy, that of listening to the wishes of the people. He is now sending more people to find out what the Canadians want. He will hear what we have to say, but will he listen?

Non-aboriginals say they have a democratic form of Government that has been ongoing since the time of the early Greeks, but I have some great misgivings of what even these people in front of me here are mandated to do. Is it really worthwhile in the time or the money? I guess we have to try and make democracy work somehow, and I think that is what we are going through.

I still recall with some anger in me, during last summer's incidents in Oka, and I see Bourassa. In fact I taped it on my VHS there, and he is in front of TV saying, you know, those people down there, they do not believe in democracy; they use guns to get what they want; they do not believe in the same democracy as we do. That is what he said on TV.

Bourassa forgot to mention that the aboriginals of Quebec were not allowed to vote until 1969, and I think voting is the basic tenet, the bulwark of democracy. He did not mention the fact that the American Constitution is based on the Iroquois confederacy type of Government called the great law of peace. He then turns around and he uses the police and the army, guns and tanks to force democracy down the throats of aboriginal peoples.

Now, continuing on Quebec. I say this, not as any leader of any aboriginal group, but as an individual who has followed the goings on in Quebec. Till the past summer, I had great affinity with the French people. I was brought up by them. I was six years old when I started in their boarding schools. I was 20 years old when I left. So I was brought up by the French nuns, the French priests and the French Brothers. In fact, I even started having their accent, because when I went to school I did not talk English. I learned English from the French people, so I had a great affinity to them. This has all changed.

I leave myself open to criticism and anger in some quarters, but I say, let Quebec separate. I think I echo the sentiments of many westerners when I say this. In fact, I read it today in the papers that a lot of people have this thought in their heads. If they are determined to separate, let us encourage them instead of begging them not to. I bet they are out there, oh, you know, we have got these English people out in the West squirming and begging us not to separate, you know. Let them separate if that is what they want. They are not kids any more. I say, let them have the area extending from Trois Riviere to the western edge of Montreal, and abiding by their old seigniory system, one or two miles on each side of the St. Lawrence River. The rest of what is called the province of Quebec is aboriginal land, never ceded by treaty, except perhaps the James Bay area, or they have never been conquered in a war. Then I remembered. You know, here is the Sûreté de Québec. They want three Leopard tanks. So maybe there goes conquest.

In 1974 I did an essay on Canada while attending the University of Manitoba, and I read one of our aboriginal writer-philosophers, who wrote, If we do not teach the white men our ways, he is going to destroy us all.

I think we as aboriginal people have a lot to offer you, if you would only listen. Aboriginals have lived and used this land for untold eons. They live the good life, simple but satisfactory. I think you should start listening to the very people whom you have overpowered by sheer numbers alone. Listen to the people who know how to look after the land, then maybe you will come to some common consensus on how Canada should be run to the satisfaction of the majority. Thank you.

Mr. Chairman: Thank you, Mr. Paul. Any questions?

Mr. McCrae: Just a comment, Mr. Chairman. Mr. Paul, you make the point that we should be listening, and I hope that is what we are trying to do. I think you have made the point that we are not doing a very good job understanding aboriginal people, and then you went on to say that the senators are our elders. I

suggest to you that maybe there are some things that the aboriginal people could learn about us, too, in terms of understanding, because I think the position that many of us are taking more and more is that there are certainly changes that could happen in our country, and the Senate might be one of the first places to start.

Ms. Friesen: Thank you. I heard you very well say, slow down, take it easy, take time for important changes in the country, and also learn from the aboriginal people, both process and institutions. One of the institutions that you mentioned was the Iroquois great law of peace, and the kind of federal system that existed under Iroquois Government at the time Europeans arrived. I wondered if perhaps you could tell the task force a little bit about that form of aboriginal Government?

Mr. Paul: I wish I could, but my knowledge on that subject is very, very limited. In fact, I just got the book about Christmas. My son gave me that book on Oka, and towards the end there is a big chapter on the Iroquois great law of peace, so I am just studying. As I say, I am not a politician, and it is very hard for me to get into the Government specifics, so I just said my piece and if I got into specifics and all that, I would have to crawl under this table here.

Ms. Friesen: I appreciate that, but perhaps if you could also let us know at a later date what the name of the book is, and the chapter, and we could read it for ourselves, too?

Mr. Paul: Yes, I do not know. It is a book about that big. It is called, "Oka, This Land is Our Land," I think.

Ms. Friesen: I will look for it. Thank you.

Mr. Paul: I thank you very much for listening to me.

Mr. Chairman: Thanks again, Mr. Paul. We enjoyed it very much. Mr. Nordal?

Mr. Alen Nordal (Private Citizen): Good evening.

Mr. Chairman: Good evening, sir.

Mr. Nordal: I thank you for the opportunity to speak before this. I do not have a written submission, but I will speak on something I know about, and that is how handicapped citizens do not really think that the Constitution, the way it is written right now, the way it has been written, that we are not entrenched in the Constitution as the rest of Canadians. We sort of feel like fourth-class citizens, like the other gentleman before me spoke, on the outside looking in and not feeling part of the system. I think it is mainly due to paternalistic attitudes of Government of people that are poorer and have to be looked after, because they are either sick or disadvantaged in some way. I would like to see something about that changed in a Constitution of Canada.

If I look at all the money that is spent on bilingualism, multiculturalism, how that helps disadvantaged people is what I am worried about. I do not see where it helps disadvantaged or handicapped people in any way. I am looking at Bill C-69, which Ottawa passed in March of 1990. I look at that and I see that they are trying to cut back on transfer payments to the provinces for medicare, post-secondary education, social allowance benefits and stuff like that. I worry that this is not going to do much good for people that cannot work because of illness or disability. It worries me.

Canadians look for leadership from the federal Government. I watch TV a lot. I do not see much leadership from that Government there in Ottawa.

Speaking as a Canadian citizen, I do not like the term hyphenated Canadian. We are the Canadians with a background. Mine is Icelandic background. I do not say I am Icelandic-Canadian, but I say I am Canadian with an ethnicity of Icelandic. The people that talk about French-Canadian, I think that sort of just serves to put forward the idea that you are this before you are Canadian so, therefore, Canadian is not important to you.

* (2140)

I think that, when we do look at a Constitution, Canada should be stressed more as far as we are Canada. We are a country with borders. In a sea of the English-speaking, we should be worried that the French-Canadians in Quebec. Quebecois are worried about their culture. I do not know. When I was a kid, I did not grow much at home, but my family did. They learned Icelandic culture and stories from my parents. It was taught at home. It was not programmed into a Government. I want to see something like that changed where it is encouraged at home rather than institutionalized in Government.

I would like to see that Canadians with disabilities be brought up to a poverty line and that social allowances be wiped off of our slate and that we be given a minimum income to work with, so we are entitled to different programs, federal-provincial Government programs, to make our lives better and more enjoyable, because right now we live at—the last estimate I have seen—31 percent of the poverty line for a single person. I am speaking of myself right

now, 31 percent of the poverty line. So I mean if they want to deal with poverty constitutionally, I would like to see that, that poverty be wiped off, and take from other sources that are being spent in a non-productive way to better the lives of people who need help with their daily living.

There is also something else here, too. The social assistance program is very demeaning to my life and other people that I know. If you were working, say a waitress' job, and you were struck with a disability, be it from a disease or something that puts you in a wheelchair and you could no longer work, you go to your doctor and he more or less prescribes poverty if you do not have any kind of health insurance or disability insurance.

I would like to see disabled people taken off welfare or Social Allowance rolls and given a minimum income which gives you dignity, respect for yourself and respect for others. I would like to see the whole system changed.

Quebec talks about separating. Okay, I do not like to see that happen because if Quebec separates it takes a chunk out of Canada and a divided Canada is not a strong country. What I would like to see happen is that Quebec be brought in, but with limitations on their powers. It seems like right now—what I have seen in the past is that Quebec has a lot of power compared to, let us say, all the other provinces because they have fought for it and fought for it. Through leaders in Ottawa, the powers have gotten greater because we have always had, other than Diefenbaker, eastern leaders who sort of smiled on Quebec.

I am sorry I am jumping around because I have just cut in here. I would like to see entrenched in the Constitution disabled rights. It is the wind-down of the national or the U.N. Declaration of the Decade of the Disabled. It will be up in 1992. I do not see much progress in the way of disabled people being furthered in society.

The Canadian Government's hiring and the provincial Government's is less than 2 percent of disabled people who are hired by these Governments, and I would like to see that changed to encourage more as a minority. That is about all I have to say, really. I thank you for the opportunity to speak to you.

Mr. Chairman: Thank you, sir. Let us see if there are any questions.

Mr. Nordal: Okay.

Mr. Chairman: Mr. Chomiak and then Mr. McCrae.

Mr. Chomiak: Yes, Mr. Nordal, I am just wondering, do you know offhand of any examples—you gave, you cited the U.N. Charter—just for our own edification, any examples of entrenched rights for the disabled in other constitutional documents?

Mr. Nordal: No, not that I have found. The Americans just a little while ago brought in—it is something to do with what the Afro-Americans did in the '60s. They brought in something just recently in the States where you cannot discriminate against—it is entrenched in their Constitution now, where disabled people are brought into the Constitution, that they cannot be discriminated against, and it has to to be encouraged to hire and to make accommodations for handicapped people to work and to fulfill their lives and their freedoms that everybody else has.

Mr. Chomiak: I take it from your comments that you would be looking for a stronger federal Government in order to uphold these rights that you have discussed.

Mr. Nordal: Yes, I would.

Mr. McCrae: Just to understand better your proposal about social assistance, you said, if I heard you correctly, that you would take disabled people off welfare and put them onto a guaranteed income program. Are you suggesting that we do away with what we now know as welfare altogether and have a guaranteed income for everyone, or would you call it a guaranteed annual income for disabled people only?

Mr. Nordal: I am speaking from what I know, and I think for disabled people it would be a good idea to take the social allowance rolls because I heard a figure a while back. I cannot say where I heard it from because of confidentiality, but I was asked: What do you think it costs the federal and provincial Governments to keep a handicapped person alive in this country, medically and living-wise? It is far removed from the amount that I have to live on. I heard a figure of $45,000 a year, and the amount I have to live on is less than $10,000 a year. If you look at the discrepancy there, I think a lot of it is sucked up in bureaucracy, and bureaucracy, I know, costs a lot of money to run. I think that if you gave a person a guaranteed income like a pension, a disabled pension that is run federally, it would be more economical for Canadian taxpayers in the long run.

Mr. McCrae: Would you mind very much just to give us a very quick idea of the kinds of expenses that

people, for example, who have to live in wheelchairs, have that other recipients of social assistance do not have?

Mr. Nordal: Clothing allowance: clothing wears out faster if you are any way physically active because of pressure points from the wheelchair. Diet: you have to eat properly. If you have something wrong with you physically—you cannot walk—you do not get the proper exercise, so you have to eat nutritional foods and the current social allowance program does not allow for that to happen because of the inadequate system that you have to live under. I mean, after my rent is paid, I only have $264 to live on for a month. That includes my telephone bill, my clothing, food, everything—personal items. The increase that we got the other day, a friend of mine told me that when they judged your food allowance, they also deducted money from your food allowance to give you the increase, which, I think, was kind of illegal.

Mr. McCrae: This may not have borne directly on some of the issues that we have been discussing, but I know this is a concern for you and I wanted you to have a chance to put on the record—

Mr. Nordal: I thank you very much.

Mr. Chairman: I take it, sir, that it is not a question of the Clause 15 provision of the Charter, which obviously provides for no discrimination based on physical disability. Of course, there is the affirmative action section of Clause 15 which allows programs that would give special consideration to those with physical disability.

I take it your point is, it is all very well to have those stated in the Charter, but what action plans are there that flow by Government from those statements to provide for a meaningful standard and within a context of dignity for people who have handicaps?

* (2150)

Mr. Nordal: Yes. What I would like to see provincially and maybe federally is a Minister responsible for the status of the handicapped or the physically disabled, something along that line, so that if we do run into problems in bureaucracy, we have an avenue to go. It is all fine to go to the Ombudsman, but if we had a Minister who looked out for our rights in Governments, I think we would have a better avenue to go to than the Ombudsman, because he is busy with a lot of other things. They have it for the seniors. They have it for the status of women. I would like to see handicapped people brought up to that level where they are recognized in the same manner federally and especially constitutionally.

Mr. Chairman: Any other questions? Thank you very much, sir.

Mr. Nordal: Thank you.

Mr. Chairman: The next presenter is Kirk Stanley. Hello, Mr. Stanley.

Mr. Kirk Stanley (Private Citizen): Mr. Chairman, I want to thank you for the opportunity to appear at this hearing. Although I have had an involvement with a number of organizations and interest groups during my life, I appear today on my own behalf to speak for myself and for my country. It is my hope that my remarks will be heeded by all of my fellow Canadians and, most particularly, by those who have legislative responsibility throughout Canada to bring to a successful conclusion the current stage of our constitutional process.

The circumstances of my life—I was adopted, and I often felt keenly the fact that I had no real family—led me early on to seek a sense of belonging and security. I found great comfort in considering myself a Canadian. When I married in 1962, I had considerable difficulty convincing the authorities to accept my licence application, because I insisted on answering the question regarding ethnic background with "Canadian." Finally, in true Canadian spirit, we compromised by entering "probably English." Five years later, when my first child was born, in 1967, 100 years after the founding of the Canadian confederation, I was proud of the fact that legislation had finally given him the legal right to be called a Canadian.

Being a Canadian means much to me. It means being part of a diverse community of peoples who share common concerns and hopes for the future. It means being part of a community that cares about all of its members and constantly strives to share its bounties equitably among them. It means being part of a family with all of the joys and sorrows and responsibilities that families inevitably share.

I believe that the Constitution of a nation must provide a permissive framework within which all of the peoples of the nation have an equal opportunity to achieve their aspirations. The Constitution of a free and open country cannot be a detailed set of rules governing every aspect of its citizens' lives. The more detailed the rules the more will be the frustrations for those who feel themselves prevented from reaching their goals. The Constitution must allow the people of

a nation to determine their own destiny, freely and willingly. It is and must be the home within which the family shelters and nurtures.

Winnipeg has no constitutional authority to cause Folklorama to take place each year. The Festival du Voyageur is celebrated each year, far more than just an entertainment event, a celebration of our cultural history. These events take place because the peoples of our many cultures take pride in preserving their heritage and sharing it with their community.

We Canadians have been given the opportunity to preserve our cultural heritage, not as artifacts in a museum but as a living expression of our values and beliefs. We would have it no other way.

The distinctive nature of Quebecois society is part of the essential fabric of this country, just as is the distinctive nature of Native society, as are the distinctive characteristics of all those peoples who have come to this country to share our freedoms.

It is not our Constitution and laws that force the preservation and celebration of Canadians' distinctive cultures and values. It is the people of Canada themselves.

We are not the American melting pot. We are the Canadian mosaic, each individual and group contributing to a Canada far greater than the mere sum of its diverse parts. English school children in French immersion classes participate, often with their families, in sharing this mosaic.

Our Manitoba schools offer courses in many languages. Our businesses and institutions provide services in many languages, goods from many cultures. All of this contributes to a greater level of mutual understanding, respect and appreciation.

Within the Canadian confederation every person and group must be made to feel that they are full participants in the nation. Time and circumstances will change, and what is a priority today may not be so tomorrow.

The provinces, the regions, the interest groups, the individuals that make up Canada will continue to pursue their objectives. The achievement of those objectives will require accommodation on the part of others.

What is important is how we are able to deal with the changes as they come about. We must ensure that all Canadians are given a clear opportunity to express their concerns and aspirations and to participate fully and meaningfully in the process.

I believe that people of good will can achieve workable solutions to their problems if they are given the opportunity to work together. The solutions may not be to the total satisfaction of each, nor may they be achieved as quickly as each might want, but they will be achieved.

For a century and a quarter we have been trying to establish a workable Constitution for Canada. In my view we have often lost sight of the goal that our Constitution must provide a framework for opportunity rather than a set of rules to govern every possible contingency.

The last 25 years has been particularly difficult as we have struggled with major changes in society, unprecedented innovations in workplace technology with the attendant stress on people, family changes brought on as women have developed their own careers, an explosion of information on every conceivable topic, the problems of widespread systemic poverty and underemployment.

These are only some of the crucial situations with which we must deal, not which i's are dotted or t's are crossed in our Constitution. The time has come to put to rest, for now at least, the dealing with constitutional niceties that has drained the energy and will of our people. It is time to get to work dealing with the aspirations and needs of Canadians.

Clearly there is much to do. Manitobans and Canadians have recently and eloquently expressed many of their concerns about our Constitution, our economy, our relationship with one another, our sense of purpose, our hopes and our fears.

Canada's Senate needs to be reformed. Few Canadians will disagree with that statement, but how many will agree on what form the Senate should take and on what powers it should have. Our Constitution must provide the means by which changes in our institutions can be negotiated and implemented.

Canada's aboriginal peoples need to define their status and relationships within Canada. The degree to which they should exercise control over their society and the relationship of that society to others within Canada is of major concern as the aboriginal peoples, like the French-Canadians before them seek to redress the grievances of the past. Our Constitution must provide the means by which these changes can be negotiated and implemented.

The status of the Canadian Charter of Rights and Freedoms needs to be known and understood. I, along with all Canadians, take a great deal of pride

that this document recognizes the place of individual rights in our society. Only time will tell if specific cases brought before the Supreme Court confirm the place of those rights. We cannot predict the court's decisions and we must avoid using worst-case scenarios to guide our actions. If Supreme Court rulings in the future are not consistent with the rights and freedoms that Canadians believe are theirs under the Charter, our Constitution must provide the means by which redress can be achieved.

Under our Constitution and in our negotiations those groups most directly affected must have very significant input, but no group can be allowed to control an area that affects others. Reasonable balance must be maintained. As individuals or as members of a particular group, we may not agree with a particular decision, but if it has been fairly arrived at we will respect it.

* (2200)

Agreements reached in the past have contained flaws, both perceived and real. The process by which the agreements were reached was flawed. We cannot lay claim to perfect wisdom, nor can we expect it of others. The agreements that were reached represented the best efforts of many people, people who are after all human beings with the strengths and weaknesses that we all share.

The evolution of the Canadian Constitution must and will continue. We are part of that process today, and we have learned much in the trials of the past. Our responsibility is to express our vision of the future, not our criticism of the past. Our responsibility is to consider all of Canada, not just one of its many parts. The talents and energies of our political leaders must now be devoted to dealing with the concerns that have been brought out by so many Canadians.

Priorities must be established and discussions and negotiations commenced to determine and implement those changes necessary to ensure the continuance of this great nation. Not everyone will be satisfied with the priorities, let alone the results, but they must have the knowledge and comfort that the interest of all Canadians is considered and respected. Priorities will change. Today they might be the environment, the needs of the aboriginal peoples, the economy or Senate reform. Tomorrow they will include other items, some perhaps not even contemplated today.

What is important is that the concerns of Canadians be dealt with. A few months ago I participated in the annual meeting of a community organization of which I am a member. Over two hours were taken up by nitpicking about revisions to the Constitution and only then was the meeting given over to the discussion of resident concerns. By then, of course, most concerned residents had left in disgust.

Let us not lose sight of our responsibilities to Canada, and let us not allow those with narrow political agendas to lead us astray. The time has come to get on with the business of Canada's people. That is a view that we can all share, aboriginal peoples, Quebecois, women, farmers, the disadvantaged and disabled, everyone of us, let us put the people of Canada first. This is a great country with a great future. I want my children and their children to share the opportunities that future will bring.

I hope and pray that history will record that in 1991, all Canadians joined together with a renewed sense of dedication to Canada to preserve what is indeed Our Home and Native Land, strong and free. Thank you.

Mr. Chairman: Thank you, sir.

Ms. Friesen: This is not really a question, it is a comment. I wanted to -(interjection)- no, I wanted to thank you for a very broadly based and thoughtful presentation. I particularly take to heart your advice not to nitpick the Constitution to death and to avoid the concerns of Canadians generally in that way. I particularly appreciated your sense of Canada and the way you are directing us to look at community and diversity. Thank you.

Mr. Chairman: Ms. Friesen? I am sorry, you are finished, Ms. Friesen? Mrs. Render?

Mrs. Render: Just to pick up on what Jean Friesen said, I, too, like your comment, our Constitution must provide a framework for opportunity rather than a set of rules to cover every possible contingency. I think sometimes that is what many of us tend to forget. I do not know whether you were here earlier today when an earlier presenter made the comment that a Constitution inhibits democracy; it is for people who distrust their elected officials, and I am wondering—

Floor Comment: I watched it.

Mrs. Render: You watched it. I wondered whether that was part of your thinking. I think your comments are ones that we can all take to heart. Again, your sentence that says, our responsibility is to express our vision of the future, not our criticism of the past. I hope, when we are finished with our hearings, that we

together can keep that in mind, when we pull together all the comments that we have been hearing and will be hearing over the next few days. I thank you for your presentation, which is really very good and very, very thoughtful.

Mr. Chairman: Mr. Edwards?

Mr. Edwards: Thank you. It is a very interesting debate as to whether or not our Constitution should be that framework or should in fact become a more detailed document. I just wanted to ask you, given the comments we heard earlier today from Mr. Green, and that you say you witnessed, and his views on this, and your quite eloquent statement about the Constitution should be a framework rather than a blueprint for every contingency.

Canada's history with the BNA Act was that it was a fairly detailed document. We had to have that detail, our forefathers thought, in order to work out a federal state which was quite a complex interrelationship between a province and the federal Government, and that got it into a fair amount of detail.

Subsequently, of course, the Charter of Rights is a far broader base. It sets out principles rather than specifics. Do you suggest as we move into negotiations quite likely with the Province of Quebec, where we are going to be discussing power sharing, that we avoid putting those more detailed elements of power sharing and who gets what and who can do what, that we avoid putting those in the Constitution and that we do as Mr. Green suggested Mr. Mulroney do, which is, he suggested that Mr. Mulroney could have done all of Meech Lake without any constitutional amendment. That was his suggestion. Whether or not that is true, is that approach to stay out of the Constitution unless we have to go in your suggestion to us?

Mr. Stanley: I was trying to avoid getting into specifics, but in that area, I would like to see the Constitution very general, because you are talking about a specific sharing of a specific power which may not exist tomorrow. You are trying to contemplate a power which may be created tomorrow which we have not thought of today. I think in the Constitution you should have a provision that dictates the process by which you develop the sharing, and which stipulates in certain very broad cases where some residual power should lie, whether it lie at the federal level, the provincial level or the municipal level.

I would be more concerned that the Constitution outline the process rather than go into the details of saying yes, this specific power over the Canadian Radio and Television Commission, for example, should lie with the province or with the federal Government. There should be a process where there is fair and open discussion of where that power should be shared, how it should be shared, and provision to change that sharing should circumstances change. The Constitution should be, as I stressed, the framework that dictates process rather than the detail, much like a legal document.

I am sure you have seen that the 47-page lease often leads people to try to find ways to drive a hole through it. Whereas the one-page lease which stipulates general principles is more often upheld by the court.

* (2210)

Mr. Chairman: Any other questions of Mr. Stanley? Thank you very much, sir.

As the rule provides, I am recalling the name of Mr. Bob Wasicuna. Are there any other presenters this evening?

Well, ladies and gentlemen, we will be heading North the beginning of next week to Thompson and The Pas and will be back in Winnipeg next Thursday for three days of hearings, Thursday, the 7th, Friday, the 8th, and Saturday, the 9th. The Thursday hearing will be in the Payuk Inter-Tribal Co-operative building at 500 Balmoral Street. It is a location which we felt might lend to some special participation or extra participation by aboriginal people. Then next Friday and Saturday we will be back in this room, the 8th and 9th of February.

I want to thank you all for coming this evening, for your participation, those of you who presented. A word of thanks to those who stayed with us on cable television, and I wish you a good evening and a good weekend, what remains of it. Good night.

HEARING ADJOURNED AT: 10:11 p.m.